HANSARD'S

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DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

2° VICTORIÆ, 1839.

VOL. XLV.

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THE FIFTH DAY OF FEBRUARY,

TO

THE SIXTH DAY OF MARCH, 1839.

First Volume of the Session.

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1839.

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Feb. 5. On the Opening of Parliament 1

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Viscount Melbourne.
Lord Chancellor	Lord Cottenham.
President of the Council	The Marquess of Lansdowne.
First Lord of the Admiralty	Earl of Minto.
Chancellor of the Duchy of Lancaster	Lord Holland.
Lord Privy Seal and First Commissioner of Land Revenue	Viscount Duncannon.
Home Secretary	Lord John Russell.
Foreign Secretary	Viscount Palmerston.
Colonial Secretary	Lord Glenelg.*
President of the Board of Control	Sir John Cam Hobhouse.
Secretary-at-War	Viscount Howick.
President of the Board of Trade	Right Hon. Chas. Poulett Thomson.
Chancellor of the Exchequer	Right Hon. Thos. Spring Rice.

NOT OF THE CABINET.

Postmaster-General	Earl of Lichfield.
Master of the Mint and Vice President of the Board of Trade	Right Hon. Henry Labouchere.
Paymaster-General	Sir Henry Parnell.
Master General of the Ordnance	Right Hon. Sir H. Vivian, Bart.
Attorney-General	Sir John Campbell.
Solicitor-General	Sir R. M. Rolfe.

IRELAND.

Lord Lieutenant	Marquess of Normanby.
Lord Chancellor	Lord Plunkett.
Chief Secretary	Viscount Morpeth
Attorney-General	Maziere Brady, Esq.
Solicitor-General	D. R. Pigot, Esq.

SCOTLAND.

Lord Advocate	Right Hon. John A. Murray.
Solicitor-General	Andrew Rutherford, Esq.

HOUSEHOLD APPOINTMENTS.

Lord Chamberlain	Marquess of Conyngham.
Lord Steward	Duke of Argyll.
Master of the Horse	Earl of Albemarle.

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* On Friday February 8th, Lord Glenelg announced his resignation of office.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL,

IN THE *SECOND SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND.*

2° VICTORIÆ 1839.

His Royal Highness ERNEST AUGUSTUS Duke of CUMBERLAND and TEVIOTDALE. *(King of Hanover.)*

His Royal Highness AUGUSTUS FREDERICK Duke of SUSSEX.

His Royal Highness ADOLPHUS FREDERICK Duke of CAMBRIDGE.

WILLIAM Archbishop of CANTERBURY.

CHARLES CHRISTOPHER Lord COTTENHAM, *Lord Chancellor.*

EDWARD Archbishop of YORK.

POWER LE POER Archbishop of TUAM.

Henry Marquess of LANSDOWNE, *Lord President of the Council.*

JOHN WILLIAM, Lord DUNCANNON, *Lord Privy Seal.*

BERNARD EDWARD Duke of NORFOLK, *Earl Marshal of England.*

EDWARD ADOLPHUS Duke of SOMERSET.

CHARLES Duke of RICHMOND.

GEORGE HENRY Duke of GRAFTON.

HENRY Duke of BEAUFORT.

WILLIAM AUBREY DE VERE Duke of ST. ALBAN'S.

GEORGE WILLIAM FREDERICK Duke of LEEDS.

JOHN Duke of BEDFORD.

WILLIAM SPENCER Duke of DEVONSHIRE.

GEORGE Duke of MARLBOROUGH.

JOHN HENRY Duke of RUTLAND.

ALEXANDER Duke of BRANDON. *(Duke of Hamilton.)*

WILLIAM HENRY CAVENDISH Duke of PORTLAND.

WILLIAM Duke of MANCHESTER.

GEORGE Duke of DORSET.

HENRY PELHAM Duke of NEWCASTLE.

HUGH Duke of NORTHUMBERLAND.

ARTHUR Duke of WELLINGTON.

RICHARD PLANTAGENET Duke of BUCKINGHAM and CHANDOS.

GEORGE GRANVILLE Duke of SUTHERLAND.

WILLIAM HARRY Duke of CLEVELAND.

CHARLES INGOLDESBY Marquess of WINCHESTER.

GEORGE Marquess of TWEEDDALE. *(Elected for Scotland.)*

HENRY Marquess of LANSDOWNE. *(In another place as Lord President of the Council.)*

GEORGE FERRARS Marquess TOWNSHEND.

JAMES BROWNLOW WILLIAM Marquess of SALISBURY.

JOHN ALEXANDER Marquess of BATH.

JAMES Marquess of ABERCORN.

FRANCIS CHARLES Marquess of HERTFORD.

JOHN Marquess of BUTE.

WILLIAM Marquess of THOMOND. *(Lord Tadcaster.)* *(Elected for Ireland.)*

BROWNLOW Marquess of EXETER.

Spencer Joshua Alwyne Marquess of Northampton.
John Jeffreys Marquess Camden.
Henry William Marq. of Anglesey.
George Horatio Marquess of Cholmondeley.
George Augustus Francis Marquess of Hastings.
Charles Marquess of Ailesbury.
George Thomas John Marquess of Westmeath. *(Elected for Ireland.)*
Frederick William Marquess of Bristol.
Archibald Marquess of Ailsa.
John Marquess of Breadalbane.
Robert Marquess of Westminster.
Henry Constantine Marquess of Normanby.

John Earl of Shrewsbury.
Edward Earl of Derby.
Francis Theophilus Henry Earl of Huntingdon.
Robert Henry Earl of Pembroke and Montgomery.
William Earl of Devon.
Thomas Earl of Suffolk and Berkshire.
William Basil Percy Earl of Denbigh.
John Earl of Westmoreland.
Albemarle George Augustus Frederick Earl of Lindsey.
George Harry Earl of Stamford and Warrington.
George William Earl of Winchilsea and Nottingham.
George Earl of Chesterfield.
Henry Earl of Thanet.
John William Earl of Sandwich.
George Earl of Essex.
James Thomas Earl of Cardigan.
George Earl of Carlisle.
Walter Francis Earl of Doncaster. *(Duke of Buccleuch and Queensberry.)*
Cropley Earl of Shaftesbury.
——— Earl of Berkeley.
Montague Earl of Abingdon.
Henry Earl of Plymouth.
John Savile Earl of Scarborough.
William Charles Earl of Albemarle.
George William Earl of Coventry.
George Earl of Jersey.
John Earl Poulett.
George Sholto Earl of Morton (*Elected for Scotland.*)
Alexander Earl of Home. (*Elected for Scotland.*)
Thomas Earl of Elgin. (*Elected for Scotland.*)
David Earl of Airlie. (*Elected for Scotland.*)
David Earl of Leven and Melville. (*Elected for Scotland.*)
Dunbar James Earl of Selkirk. *(Elected for Scotland.)*
Thomas John Earl of Orkney. (*Elected for Scotland.*)
Edward Earl of Oxford and Earl Mortimer.
Washington Earl Ferrers.
William Earl of Dartmouth.
Charles Augustus Earl of Tankerville.
Heneage Earl of Aylesford.
George Augustus Frederick Earl Cowper.
Philip Henry Earl Stanhope.
Robert Earl of Harborough.
George Earl of Macclesfield.
George William Richard Earl of Pomfret.
James Earl Graham. (*Duke of Montrose.*)
George Edward Earl Waldegrave.
Bertram Earl of Ashburnham.
Charles Earl of Harrington.
John Charles Earl of Portsmouth.
Henry Richard Earl Brooke and Earl of Warwick.
George Robert Earl of Buckinghamshire.
Charles William Earl Fitzwilliam.
George Earl of Egremont.
Francis Earl of Guilford.
James Earl Cornwallis.
Charles Philip Earl of Hardwicke.
Henry Stephen Earl of Ilchester.
George John Earl De La Warr.
William Earl of Radnor.
John Charles Earl Spencer.
Henry George Earl Bathurst.

Arthur Blundell Sandys Trumbull Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

Henry Earl of Abergavenny.

Charles Chetwynd Earl Talbot.

John Earl Strange. *(Duke of Athol.)*

Richard Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

Edward Earl of Digby.

George Earl of Beverley.

William Earl of Mansfield.

Henry John George Earl of Carnarvon.

Charles Cecil Cope Earl of Liverpool.

George Earl Cadogan.

James Edward Earl of Malmesbury.

Francis William Earl of Charlemont. (*Lord Charlemont.*) *(Elected for Ireland.)*

George Earl of Kingston. *(Lord Kingston.)* *(Elected for Ireland.)*

Stephen Earl of Mount Cashell. *(Elected for Ireland.)*

John Earl of Mayo. *(Elected for Ireland.)*

John Willoughby Earl of Enniskillen. *(Lord Grinstead.)* *(Elected for Ireland.)*

William Earl of Wicklow. *(Elected for Ireland.)*

Richard Earl of Lucan. *(Elected for Ireland.)*

Somerset Lowry Earl of Belmore. *(Elected for Ireland.)*

Charles Henry St. John Earl O'Neill. *(Elected for Ireland.)*

James Earl of Bandon. *(Elected for Ireland.)*

Dupré Earl of Caledon. *(Elected for Ireland.)*

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edmund Henry Earl of Limerick. *(Lord Foxford.)* *(Elected for Ireland.)*

Edward Earl of Powis.

Horatio Earl Nelson.

Archibald Earl of Gosford. *(Lord Worlingham.)* *(Elected for Ireland.)*

Lawrence Earl of Rosse. *(Elected for Ireland.)*

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Charles Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Charles William Earl of Charleville. *(Elected for Ireland.)*

Henry Earl of Harewood.

Gilbert Earl of Minto.

William Schaw Earl Cathcart.

James Walter Earl of Verulam.

John Earl Brownlow.

William Earl of Saint Germans.

John Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

John Reginald Earl Beauchamp.

Richard Earl of Glengall. *(Elected for Ireland.)*

Thomas Philip Earl de Grey.

John Earl of Eldon.

Edward Earl of Falmouth.

Richard William Penn Earl Howe.

John Somers Earl Somers.

John Edward Cornwallis Earl of Stradbroke.

Charles William Earl Vane. *(Marquess of Londonderry.)*

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

George Earl of Munster.

William Earl of Burlington.

Robert Dundas Earl of Camperdown.

Thomas William Earl of Lichfield.

John George Earl of Durham.

Frederick John Earl of Ripon.

Granville Earl Granville.

Kenneth Alexander Earl of Effingham.

Thomas Earl of Ducie.

Charles Earl of Yarborough.

James Henry Robert Earl of Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Laurence Earl of Zetland.

Henry Viscount Hereford.
John Viscount Arbuthnott. *(Elected for Scotland.)*
James Viscount Strathallan. *(Elected for Scotland.)*
Henry Viscount Bolingbroke and St. John.
George Viscount Torrington.
Augustus Frederick Viscount Leinster. *(Duke of Leinster.)*
Henry Viscount Maynard.
John Viscount De Vesci. *(Elected for Ireland.)*
John Robert Viscount Sydney.
Cornwallis Viscount Hawarden. *(Elected for Ireland.)*
Samuel Viscount Hood.
Hayes Viscount Doneraile. *(Elected for Ireland.)*
Edward Jervis Viscount St. Vincent.
Robert Saunders Viscount Melville.
Henry Viscount Sidmouth.
Robert Edward Viscount Lorton. *(Elected for Ireland.)*
Warwick Viscount Lake.
George Viscount Gordon. *(Earl of Aberdeen.)*
Edward Viscount Exmouth.
Charles Viscount Gort. *(Elected for Ireland.)*
John Hely Viscount Hutchinson. *(Earl of Donoughmore.)*
William Carr Viscount Beresford.
William Thomas Viscount Clancarty.
Stapleton Viscount Combermere.
Charles John Viscount Canning.
Charles Viscount Canterbury.

Charles James Bishop of London.
Edward Bishop of Durham.
Chas. Richard Bishop of Winchester.
Geo. Henry Bp. of Bath and Wells.
Herbert Bishop of Peterborough.
John Bishop of Lincoln.
William Bishop of St. Asaph.
Christopher Bishop of Bangor.
Robert James Bishop of Worcester.
John Banks Bishop of St. David's.
Hugh Bishop of Carlisle.
George Bishop of Rochester.
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John Bird Bishop of Chester.
Richard Bishop of Oxford.
James Henry Bishop of Gloucester, and Bristol.
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Charles Thomas Bishop of Ripon.
Edward Bishop of Salisbury.
Edward Bishop of Norwich.
Thomas Bishop of Hereford.
Edmund Bishop of Limerick.
James Bishop of Dromore.
John Bishop of Elphin.

George William Lord Sundridge and Hamilton, *(Duke of Argyll.) Lord Steward of the Household.*
Francis Nathaniel Lord Minster, *(Marquess Conyngham.) Lord Chamberlain of the Household.*
Charles Lord Glenelg, *One of Her Majesty's Principal Secretaries of State.*
Henry William Lord De Ros.
George Edward Lord Audley.
Charles Rodolphus St. John Lord Clinton.
Peter Robert Lord Willoughby D'Eresby.
Thomas Lord Dacre.
William Lord Stourton.
Henry Lord Berners.
Henry Lord Willoughby De Broke.
George Browne Lord Vaux.
Henry Lord Paget.
St. Andrew Beauchamp Lord St. John of Bletso.
Chas. Aug. Lord Howard de Walden.
George Harry Lord Grey of Groby.
William Francis Henry Lord Petre.
Gregory Will. Lord Saye and Sele.
Henry Benedict Lord Arundell of Wardour.
John Lord Clifton. *(Earl of Darnley.)*
Joseph Thaddeus Lord Dormer.
Henry Francis Lord Teynham.
George William Lord Stafford.
George Anson Lord Byron.

William Lord Ward.
Hugh Charles Lord Clifford of Chudleigh.
Francis Lord Howland.
James Ochoncar Lord Forbes. *(Elected for Scotland.)*
Alexander George Lord Saltoun. *(Elected for Scotland.)*
Francis Lord Gray. *(Elected for Scotland.)*
Charles Lord Sinclair. *(Elected for Scotland.)*
John Lord Colville of Culross. *(Elected for Scotland.)*
Eric Lord Reay. *(Elected for Scotland.)*
Edmund Lord Boyle. *(Earl of Cork and Orrery.)*
Thomas Robert Lord Hay. *(Earl of Kinnoul.)*
Digby Lord Middleton.
Frederick John Lord Monson.
Henry Lord Montfort.
Frederick Lord Ponsonby. *(Earl of Besborough.)*
George John Lord Sondes.
Nathaniel Lord Scarsdale.
George Lord Boston.
Henry Richard Lord Holland.
Henry Frederick John James Lord Lovell and Holland. *(Earl of Egmont.)*
George John Lord Vernon.
George Charles Lord Camden.
George William Lord Sundridge and Hamilton. *(Duke of Argyll.)* *(In another place as Lord Steward of the Household.)*
Edward William Lord Hawke.
Thomas Henry Lord Foley.
George Talbot Lord Dynevor.
Thomas Lord Walsingham.
William Lord Bagot.
Charles Lord Southampton.
Fletcher Lord Grantley.
George Lord Rodney.
John Lord Carteret.
William Lord Berwick.
John Lord Sherborne.
Hen. James Montagu Lord Montagu.
Henry Lord Tyrone. *(Marquess of Waterford.)*
Henry Lord Carleton. *(Earl of Shannon.)*
Edward Lord Suffield.
Guy Lord Dorchester.
George Lord Kenyon.
Richard Lord Braybrooke.
George Augustus Lord Fisherwick. *(Marquess of Donegal.)*
Archibald Lord Douglas of Douglas.
Henry Hall Lord Gage. *(V. Gage.)*
Edward Thomas Lord Thurlow.
George Lord Auckland.
William Henry Lord Lyttleton.
Henry Lord Mendip. *(Viscount Clifden.)*
Henry John Lord Selsey.
Francis Lord Stuart of Castle Stuart. *(Earl of Moray.)*
Randolph Lord Stewart of Garlies *(Earl of Galloway.)*
James Thomas Lord Saltersford. *(Earl of Courtown.)*
George Allan Lord Brodrick. *(Viscount Middleton.)*
George Lord Calthorpe.
John Lord Rolle.
Richard Lord Wellesley. *(Marquess Wellesley.)*
Robert John Lord Carrington.
Henry William Lord Bayning.
William Powlett Lord Bolton.
John Lord Wodehouse.
John Lord Northwick.
Thomas Atherton Lord Lilford.
Thomas Lord Ribblesdale.
John Lord Fitzgibbon. *(E. of Clare.)*
Edward Wadding Lord Dunsany. *(Elected for Ireland.)*
John Lord Carbery. *(Elected for Ireland.)*
Robert Lord Clonbrock. *(Elected for Ireland.)*
Henry Lord Dunalley. *(Elected for Ireland.)*
Henry Francis Seymour Lord Moore. *(Marquess of Drogheda.)*
John Loftus Lord Loftus. *(Marquess of Ely.)*
John Lord Carysfort. *(Earl of Carysfort.)*
William Lord Alvanley.

THE LORDS' ROLL.

George Lord Abercromby.

Alleyne Lord St. Helen's.

John Thomas Lord Redesdale.

George Lord Rivers.

Edward Lord Ellenborough.

Arthur Moyses William Lord Sandys,

Charles George Lord Arden.

George Augustus Frederick Chas. Lord Sheffield. *(Earl of Sheffield.)*

Charles Noel Lord Barham.

David Montagu Lord Erskine.

Howe Peter Lord Mont Eagle. *(Marquess of Sligo.)*

Archibald William Lord Ardrossan. *(Earl of Eglintoun.)*

James Lord Lauderdale. *(Earl of Lauderdale.)*

George Arthur Lord Granard. *(Earl of Granard.)*

Hungerford Lord Crewe.

John Lord Ponsonby of Imokilly.

Alan Legge Lord Gardner.

Thomas Lord Manners.

John Lord Hopetoun and Niddry. *(Earl of Hopetoun.)*

Thomas Lord Lynedoch.

Rowland Lord Hill.

James Andrew Lord Dalhousie. *(Earl of Dalhousie.)*

George Lord Meldrum. *(Marquess of Huntly.)*

George Lord Ross. *(Earl of Glasgow.)*

John Willoughby Lord Grinstead. *(In another place as Earl of Enniskillen.)*

Edmund Henry Lord Foxford. *(In another place as Earl of Limerick.)*

Francis Almeric Lord Churchill.

William Lord Melbourne. *(Viscount Melbourne.)*

William George Lord Harris.

Algernon Lord Prudhoe.

Charles Lord Colchester.

John William Robert Lord Ker. *(Marquess of Lothian.)*

Francis Nathaniel Lord Minster, *(Marquess Conyngham.)* *(In another place as Lord Chamberlain of the Household*)

John Lord Ormonde. *(Marquess of Ormonde.)*

Francis Lord Wemyss. *(Earl of Wemyss and March.)*

Robert Lord Clanbrassil. *(Earl of Roden.)*

George Lord Kingston. *(In another place as Earl of Kingston.)*

Edward Michael Lord Silchester. *(Earl of Longford.)*

George Augustus Frederick John Lord Glenlyon.

William Lord Maryborough.

Thomas Henry Lord Oriel. *(Viscount Ferrard.)*

Thomas Henry Lord Ravensworth,

Thomas Lord Delamere.

John George Weld Lord Forester,

John James Lord Rayleigh.

Ulysses Lord Downes. *(Elected for Ireland.)*

Nicholas Lord Bexley.

Robert Francis Lord Gifford.

Percy-Clinton-Sydney Lord Penshurst. *(Viscount Strangford.)*

William Lord Tadcaster. *(In another place as Marquess of Thomond.)*

Ulick John Lord Somerhill. *(Marquess of Clanricarde.)*

James Lord Wigan. *(Earl of Balcarres.)*

Thomas Lord Ranfurly. *(Earl of Ranfurly.)*

George Lord De Tabley.

James Archibald Lord Wharncliffe.

Charles Lord Feversham.

Charles Rose Lord Seaford.

John Singleton Lord Lyndhurst.

James Lord Fife. *(Earl of Fife.)*

John Henry Lord Tenterden.

William Conyngham Lord Plunket.

Thomas Lord Melros. *(Earl of Haddington.)*

Henry Lord Cowley.

Charles Lord Stuart de Rothesay,

William Lord Heytesbury.

Archibald John Lord Rosebery. *(Earl of Rosebery.)*

Richard Lord Clanwilliam. *(Earl of Clanwilliam.)*

Edward Lord Skelmersdale.

Thomas Lord Wallace.

William Draper Lord Wynford.

Henry Lord Brougham and Vaux.

William George Lord Kilmarnock. *(Earl of Erroll.)*

Arthur James Lord Fingall. *(Earl of Fingall.)*

William Philip Lord Sefton. *(Earl of Sefton.)*

Nathaniel Lord Clements. *(Earl of Leitrim.)*

George William Fox Lord Rossie. *(Lord Kinnaird.)*

Thomas Lord Kenlis. *(Marquess of Headfort.)*

John Chambre Lord Chaworth. *(Earl of Meath.)*

Alexander Edward Lord Dunmore. *(Earl of Dunmore.)*

George James Lord Ludlow. *(Earl Ludlow.)*

Robert Montgomery Lord Hamilton. *(Lord Belhaven and Stenton.)*

John Francis Lord Howden.

William Lord Panmure.

George Warwick Lord Poltimore.

Edward Pryce Lord Mostyn.

William Fitzhardinge Lord Segrave.

Henry Spencer Lord Templemore.

William Lewis Lord Dinorben.

Valentine Browne Lord Cloncurry.

James Lord De Saumarez.

Francis Godolphin Lord Godolphin.

Lucius Lord Hunsdon. *(Viscount Falkland.)*

Charles Callis Lord Western.

Thomas Lord Denman.

John William Lord Duncannon. *(In another place as Lord Privy Seal.)*

William Lord Fitzgerald.

James Lord Abinger.

Philip Charles Lord De L'Isle and Dudley.

Alexander Lord Ashburton.

Charles Lord Glenelg. *(In another place as One of Her Majesty's Principal Secretaries of State.)*

Edward John Lord Hatherton.

John Lord Strafford.

Archibald Lord Worlingham. *(In another place as Earl of Gosford.)*

Charles Christ. Lord Cottenham. *(In another place as Lord Chancellor.)*

Henry Lord Langdale.

Edward Lord Portman.

Thomas Alexander Lord Lovat.

William Lord Bateman.

Francis William Lord Charlemont. *(In another place as Earl of Charlemont.)*

Anthony Adrian Keith Lord Kinton. *(Earl of Kinton.)*

Cornelius Lord Lismore. *(Viscount Lismore.)*

Warner William Lord Rosemore.

Robert Shapland Lord Carew.

William Francis Spencer Lord De Mauley.

John Lord Wrottesly.

Charles Hanbury Lord Sudeley.

Paul Lord Methuen.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to the *Second Session* of the *Thirteenth Parliament* of the United Kingdom of *Great Britain and Ireland*, and *Second* of *Queen Victoria*.

[*Summoned to meet for dispatch of business Feb. 5*, 1839.]

Abingdon.
Thomas Duffield.

Andover.
Sir John W. Pollen, bt.
Ralph Etwall.

Anglesey.
William Owen Stanley.

Arundel.
Henry Granville (Howard) Lord Fitzalan.

Ashburton.
Charles Lushington.

Ashton-under-Line.
Charles Hindley.

Aylesbury.
William Rickford,
Winthrop Mackworth Praed.

Banbury.
Henry Wm. Tancred.

Barnstaple.
John P. Bruce Chichester,
Frederick Hodgson.

Bath.
Right hon. Henry (Wingfield) visc. Powerscourt,
Wm. Heald Ludlow Bruges.

Beaumaris.
Captain Frederick Paget.

Bedford.
Capt. Frederick Polhill,
Samuel Crawley.

Bedfordshire.
Charles James Fox (Russell) Lord C. J. Fox Russell,
John Hume (Cust) Visc. Alford

Berkshire.
Robert Palmer,
Philip Pusey,
Rt. hon. William (Keppel) visc. Barrington.

Berwick-upon-Tweed.
Richard Hodgson,
William Holmes.

Beverley.
James Weir Hogg,
George Lane Fox.

Bewdley.
Sir Thomas E. Winnington, bt.

Birmingham.
Thomas Attwood,
Joshua Scholefield.

Blackburn.
William Feilden,
William Turner.

Bodmyn.
Major Charles C. Vivian,
Sir Sam. Thomas Spry, knt.

Bolton-le-Moors.
William Bolling,
Peter Ainsworth.

Boston.
John S. Brownrigg
Sir James Duke, knt.

Bradford.
Ellis Cunliffe Lister,
William Busfield.

Brecnockshire.
Colonel Thomas Wood.

Brecon.
Charles Morgan Robinson Morgan.

Bridgenorth.
Thos. Charlton Whitmore,
Robert Pigot.

Bridgewater.
Henry Broadwood,
Philip Courtenay.

Bridport.
Henry Warburton,
Swinfin Jervis.

Brighthelmstone.
Capt. Geo. Richd. Pechell,
Sir Adolphus John Dalrymple, bt.

Bristol.
Philip William S. Miles,
Hon. Francis Henry Fitzhardinge Berkeley.

Buckingham.
Sir Thomas Fremantle, bt.
Sir Harry Verney, bt.

Buckinghamshire.

Sir William Young, bt.
Geo. Simon Harcourt.

Bury.
Richard Walker.

Bury St. Edmund's.
Rt. Hon. Charles (Fitzroy) Lord C. Fitzroy
Fred. Will. (Hervey) Earl Jermyn.

Calne.
Henry Petty (Fitzmaurice) Earl of Shelburne.

Cambridge.
Rt. hon. Thos. Spring Rice,
George Pryme.

Cambridgeshire.
Richard Greaves Townley,
Hon. Eliot Thomas Yorke,
Richard Jefferson Eaton.

Cambridge (University)
Rt. hon. Henry Goulburn,
Hon. Charles E. Law.

Canterbury.
Albert Denison (Conyngham) Lord A. Conyngham,
James Bradshaw.

Cardiff.
John Nicholl.

CARDIGAN.
Pryse Pryse.

CARDIGANSHIRE.
Col. William Edw. Powell.

CARLISLE.
Philip Henry Howard,
William Marshall.

CARMARTHEN.
David Morris.

CARMARTHENSHIRE.
Hon. George Rice Trevor,
John Jones.

CARNARVON.
William Bulkeley Hughes.

CARNARVONSHIRE.
John Ralph Ormsby Gore.

CHATHAM.
Right hn. George Stevens Byng.

CHELTENHAM.
Hon. Craven Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)

Edward John Stanley,
William Tatton Egerton.

(Southern Division.)

George Wilbraham,
Sir Philip de Malp. G. Egerton, bt.

CHESTER.
Right hon. Robert (Grosvenor) Lord R. Grosvenor,
John Jervis.

CHICHESTER.
Arthur (Lennox) Lord A. Lennox,
John Abel Smith.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
Right hon. Sir George Henry Rose G.C.H.

CIRENCESTER.
Joseph Cripps,
Thomas William Chester Master.

CLITHEROW.
John Fort.

COCKERMOUTH.
Edward Horsman,
Henry Aglionby Aglionby.

COLCHESTER.
Richard Sanderson,
Sir George Henry Smyth, bt.

CORNWALL.
(Eastern Division.)

Edward Granville (Eliot) Lord Eliot,
Right hon. Sir Richard Hussey Vivian, bt.

(Western Division.)

Edward William Wynne Pendarves,
Sir Charles Lemon, bt.

COVENTRY.
Right hon. Edward Ellice,
William Williams.

CRICKLADE.
John Neeld,
Ambrose Goddard.

CUMBERLAND.
(Eastern Division).

William James,
Francis Aglionby.

(Western Division.)

Edward Stanley,
Samuel Irton.

DARTMOUTH.
John Henry Seale.

DENBIGH.
Wilson Jones.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.
Hon. William Bagot.

DERBY.
Edward Strutt,
Hon. John George Brabazon Ponsonby.

DERBYSHIRE.
(Northern Division.)

Hon. Geo. Hen. Cavendish,
William Evans.

(Southern Division.)

Sir George Crewe, bt.,
Francis Hurt.

DEVIZES.
Thomas Henry Sutton Bucknall Estcourt,
George Heneage Walker Heneage.

DEVONPORT.
Sir George Grey, bt.
Sir Edward Codrington, G. C. B.

DEVONSHIRE.
(Northern Division.)

Hugh (Fortescue) visct. Ebrington,
Sir T. Dyke Acland, bt.

(Southern Division.)

Montague Edmund Newcombe Parker,
Sir John Buller Yarde Buller, bt.

DORCHESTER.
Robert Williams,
Hon. Anthony Henry Ashley-Cooper.

DORSETSHIRE.
Anthony (Ashley-Cooper) Lord Ashley,
Henry Charles Sturt,
Hon. John George Charles Fox Strangways.

DOVER.
Sir John Rae Reid, bt.
Edward Royd Rice.

DROITWICH.
John Somerset Pakington.

DUDLEY.
Thomas Hawkes.

DURHAM.
(Northern Division)

Hedworth Lambton,
Hon. Henry T. Liddell.

(Southern Division.)

Joseph Pease, jun.,
John Bowes.

DURHAM (CITY.)
William Charles Harland,
Right hon. Arthur (Hill-Trevor) visc. Dungannon.

ESSEX.
(Northern Division.)

Sir John Tyssen Tyrell, bt.,
Charles Gray Round.

(Southern Division.)

Thomas William Branston,
George Palmer.

EVESHAM.
Arthur Marcus Cecil Hill) Lord A. M. C. Hill,
George Rushout.

EXETER.
Edward Divett,
Sir William Webb Follett, knt.

EYE.
Sir Edward Kerrison, bt.

FINSBURY.
T. Slingsby Duncombe,
Thomas Wakley.

FLINT.
C. Whitley Deans Dundas.

FLINTSHIRE.
Sir Stephen R. Glynne, bt.

FROME.
Thomas Sheppard.

GATESHEAD.
Cuthbert Rippon.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Edwin Richard Windham Wyndham (Quin) visct. Adare.

GLOUCESTER.
Henry Thomas Hope,
John Phillpots.

GLOUCESTERSHIRE.
(*Eastern Division.*)
Christopher William Codrington,
Hon. Augustus H. Moreton.
(*Western Division.*)
Hon. George Charles Grantley Fitzhardinge Berkeley,
Robert Blagden Hale.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
Edward George Barnard,
Matthias Wolv. Attwood.

GRIMSBY (GREAT).
Edward Heneage.

GUILDFORD.
Charles Baring Wall,
Hon. James Yorke Scarlett.

HALIFAX.
Charles Wood,
Edward Protheroe.

HALLESTON.
George John Frederick (West) visct. Cantilupe.

HAMPSHIRE.
(*Northern Division.*)
Charles Shaw Lefevre,
Sir William Heathcote, bt.
(*Southern Division.*)
John Fleming,
Henry Combe Compton.

HARWICH.
Rt. hon. John C. Herries,
Alexander Ellice.

HASTINGS.
Rt. hon. Joseph Planta,
Robert Holland,

HAVERFORDWEST.
Sir Richard Bulkeley Philipps Philipps, bt.

HEREFORD.
Edward Bolton Clive,
Daniel Higford Duvall Burr.

HEREFORDSHIRE.
Sir Robert Price, bt.,
Kedgwin Hoskins,
Edw. Thos. Foley,

HERTFORD.
Philip Henry (Stanhope) visct. Mahon.
Hon. William Francis Cowper.

HERTFORDSHIRE.
James Walter (Grimston) visct. Grimston,
Rowland Alston,
Abel Smith.

HONITON.
Hugh Duncan Baillie,
James Stewart.

HORSHAM.
Robert Henry Hurst.

HUDDERSFIELD.
William Rookes Crompton Stansfield.

HUNTINGDON.
Jonathan Peel,
Sir Frederick Pollock, knt.

HUNTINGDONSHIRE.
Edward Fellowes,
George Thornhill.

HYTHE.
William Hugh (Elliot) visct. Melgund.

IPSWICH.
Thomas Gibson,
Fitzroy Kelly.

KENDAL.
George William Wood.

KENT.
(*Eastern Division.*)
Sir Edw. Knatchbull, bt.,
John Pemberton Plumptre.
(*Western Division.*)
Thomas Law Hodges,
Sir Edmund Filmer, bt.

KIDDERMINSTER.
Richard Godson.

KING'S LYNN.
Willm. Geo. Fred. Cavendish (Bentinck) Lord W. G. F. C. Bentinck,
Rt. hon. Sir S. Canning, G.C.B.

KINGSTON-UPON-HULL.
William Hutt,
Sir Walter Charles James, bt.

KNARESBOROUGH.
Henry Rich,
Hon. Charles Langdale.

LAMBETH.
Rt. Hon. Charles Tennyson D'Eyncourt,
Benjamin Hawes, jun.

LANCASHIRE.
(*Northern Division.*)
Rt. hon. Edw. Geoffrey Smith (Stanley) Lord Stanley,
John Wilson Patten.
(*Southern Division.*)
Rt. hon. F. Leveson (Egerton) Lord F. L. Egerton,
Hon. Richard B. Wilbraham.

LANCASTER.
Thomas Greene,
George Marton.

LAUNCESTON.
Rt. hon. Sir H. Hardinge, K.C.B.

LEEDS.
Edward Baines,
Sir William Molesworth, bt.

LEICESTER.
Samuel Duckworth,
John Easthope.

LEICESTERSHIRE.
(*Northern Division.*)
Charles Somerset (Manners) Lord C. S. Manners,
Edward Basil Farnham.
(*Southern Division.*)
Henry Halford,
Charles William Packe.

LEOMINSTER.
Rt. hon. Beaumont (Hotham) Lord Hotham,
Charles Greenway.

LEWES.
Sir Chas. Richard Blunt, bt.,
Hon. Henry Fitzroy.

LICHFIELD.
Sir George Anson, G.C.B.
Alfred Henry (Paget) Lord A. H. Paget.

LINCOLN.
Charles Delaet W. Sibthorp,
Sir Edward G. E. Lytton Bulwer, bt.

LINCOLNSHIRE.
(*Parts of Lindsey.*)
Charles A. W. (Pelham) Lord Worsley,
Robert Adam Christopher.
(*Parts of Kesteven and Holland.*)
Henry Handley,
Gilbert John Heathcote.

LISKEARD.
Charles Buller, jun.

LIVERPOOL.
Dudley (Ryder) Viscount Sandon,
Creswell Creswell.

LONDON.
Sir Matthew Wood, bt.,
James Pattison,
William Crawford,
George Grote.

LUDLOW.
Edw. (Herbert) Viscount Clive,
Henry Salwey.

LYME REGIS.
William Pinney.

LYMINGTON.
Will. Alex. Mackinnon,
John Stewart.

MACCLESFIELD.
John Brocklehurst, jun.,
Thomas Grimsditch.

MAIDSTONE.
John Minet Fector,
Benjamin D'Israeli.

MALDON.
Quintin Dick,
John Round.

MALMESBURY.
Charles John (Howard) Viscount Andover.

MALTON.
John Walbanke Childers,
Will. Thos. Spencer Wentworth (Fitzwilliam) visct. Milton

MANCHESTER.
Mark Phillips,
Rt. hon. Charles Poulett Thomson.

MARLBOROUGH.
Ernest Augustus Charles Brudenell (Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Sir William Clayton, bt.

MARYLEBONE.
Rt. hon. Chas. John (Shore) Lord Teignmouth,
Sir Benjamin Hall, bt.

MERIONETHSHIRE.
Richard Richards.

MERTHYR TYDVIL.
Sir Josiah John Guest, bt.

MIDDLESEX.
George Byng,
Thomas Wood.

MIDHURST.
Frederick Spencer.

MONMOUTH.
Reginald James Blewitt.

MONMOUTHSHIRE.
Granville Charles Henry (Somerset) Lord G. C. H. Somerset,
Wm. Addams Williams.

MONTGOMERY.
Sir John Edwardes, bt.

MONTGOMERYSHIRE.
Rt. hon. Charles W. W. Wynn.

MORPETH.
Granville George (Leveson Gower) Lord Leveson.

NEWARK-UPON-TRENT.
Wm. Ewart Gladstone,
Thomas Wilde.

NEWCASTLE-UNDER-LINE.
William Henry Miller,
Spencer Horsey de Horsey.

NEWCASTLE-UPON-TYNE.
John Hodgson Hind,
William Ord.

NEWPORT.
John Heywood Hawkins,
William John Blake.

NORFOLK.
(*Eastern Division.*)
Edmund Wodehouse,
Henry Negus Burroughes.

(*Western Division.*)
William Bagge,
Will. Lyde Wiggett Chute.

NORTHALLERTON.
Will. Battie Wrightson.

NORTHAMPTON.
Robert Vernon Smith,
Raikes Currie.

NORTHAMPTONSHIRE.
(*Northern Division.*)
George James Finch, (Hatton) visc. Maidstone.
Thomas Philip Maunsell.

(*Southern Division.*)
William Ralph Cartwright,
Sir Charles Knightley, bt.

NORTHUMBERLAND.
(*Northern Division.*)
Rt. hon. Henry (Grey) visct. Howick,
Charles (Bennett) Lord Ossulston.

(*Southern Division.*)
Matthew Bell,
Christopher Blackett.

NORWICH.
Benjamin Smith,
Arthur Richard (Wellesley) Marquess of Douro.

NOTTINGHAM.
Sir R. Crawford Ferguson, G.C.B.
Rt. hon. Sir J. C. Hobhouse, bt.

NOTTINGHAMSHIRE.
(*Northern Division.*)
Henry Gally Knight,
Thomas Houldsworth.

(*Southern Division.*)
Henry (Pelham Fiennes Pelham Clinton) earl of Lincoln,
Lancelot Rolleston.

OLDHAM.
John Fielden,
William Augustus Johnson.

OXFORD (CITY.)
Donald Maclean,
William Erle.

OXFORDSHIRE.
George Granville Harcourt,
Thos. A. W. Parker,
Montague (Bertie) Lord Norreys,

OXFORD (UNIVERSITY.)
Thomas Grimston Bucknall Estcourt,
Sir Robert H. Inglis, bt.

PEMBROKE.
Rt. hon. Sir Jas. Graham, bt.

PEMBROKESHIRE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Sir Robert Monsey Rolfe, knt.,
James William Freshfield.

PETERBOROUGH.
Sir Robert Heron, bt.,
John Nicholas Fazakerley.

PETERSFIELD.
Cornthwaite John Hector.

PLYMOUTH.
Thomas Bewes,
John Collier.

PONTEFRACT.
Richard Monckton Milnes,
William Massey Stanley.

POOLE.
Hon. Charles F. A. C. Ponsonby,
George Richard Philips.

PORTSMOUTH.
Sir Geo. Thomas Staunton, bt.

Francis Thornhill Baring.

PRESTON.
Sir Philip Hesketh Fleetwood, bt.,
Robert Townley Parker.

RADNOR (NEW.)
Richard Price.

RADNORSHIRE.
Walter Wilkins.

READING.
Thomas Noon Talfourd,
Charles Fyshe Palmer.

REIGATE.
John (Somers Cocks) visct. Eastnor.

RETFORD (EAST.)
Granville Harcourt Vernon,
Hon. Arthur Duncombe.

RICHMOND.
Thos. (Dundas) Lord Dundas,
Alexander Speirs.

RIPON.
Thomas Pemberton,
Rt. hon. Sir Edward Burtenshaw Sugden, knt.

ROCHDALE.
John Fenton.

ROCHESTER.
Ralph Bernal,
Thos. Benjamin Hobhouse.

RUTLANDSHIRE.
William Middleton Noel,
Sir Gilbert Heathcote, bt.

RYE.
Thos. Gibbon Moneypenny.

ST. ALBAN'S.
Hon. Edward Harbottle Grimston,
George Alfred Muskett.

ST. IVES.
William Tyringham Praed.

SALFORD.
Joseph Brotherton.

SALISBURY.
William Bird Brodie,
Wadham Wyndham.

SALOP, OR SHROPSHIRE.
(Northern Division.)
Sir Rowland Hill, bt.,
William Ormsby Gore.
(Southern Division.)
Hon. Robert Henry Clive,
Henry (Vane) Earl of Darlington.

SANDWICH.
Sir Edw. T. Troubridge, bt.

SCARBOROUGH.
Sir F. Trench, knt.,
Sir Thos. Charles Style, bt.

SHAFTESBURY.
Geo. Benvenuto Mathew.

SHEFFIELD.
John Parker,
Henry George Ward.

SHIELDS (SOUTH.)
Robert Ingham.

SHOREHAM (NEW.)
Sir Chas. Merrick Burrell, bt.,
Harry Dent Goring.

SHREWSBURY.
Sir Richard Jenkins, G.C.B.,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(Eastern Division.)
William Gore Langton,
William Miles.
(Western Division.)
Edward Ayshford Sanford,
Thomas Dyke Acland.

SOUTHAMPTON.
Abel Rous Dottin,
Adam (Duncan) visct. Duncan.

SOUTHWARK.
John Humphery,
Daniel Whittle Harvey.

STAFFORD.
Wm. Fawkener Chetwynd,
Robert Farrand.

STAFFORDSHIRE.
(Northern Division.)
Edward Buller,
Hon. William Bingham Baring.
(Southern Division.)
Henry John Chetwynd (Talbot) visc. Ingestrie,
Hon. George Anson.

STAMFORD.
Sir George Clerk, bt.,
Charles Cecil John (Manners) Marq. of Granby.

STOCKPORT.
Thomas Marsland,
Henry Marsland.

STOKE-UPON-TRENT.
John Davenport,
William Taylor Copeland.

STROUD.
Rt. hon. John (Russell) Lord John Russell,
George Poulett Scrope.

SUDBURY.
Sir John Benn Walsh, bt.,
Joseph Bailey, jun.

SUFFOLK.
(Western Division.)
Robert Rushbroke,
Harry Spencer Waddington.
(Eastern Division.)
Rt. hn. John (Henniker Major) Lord Henniker,
Sir Charles Broke Vere. K.C.B.

SUNDERLAND.
William Thompson,
Andrew White.

SURREY.
(Eastern Division.)
Richard Alsager,
Henry Kemble.
(Western Division.)
William Joseph Denison,
Hon. George James Perceval.

SUSSEX.
(Eastern Division.)
Hon. Charles Compton Cavendish,
George Darby.
(Western Division.)
John George (Lennox) Lord J. G. Lennox,
Henry Charles (Howard) Earl of Surrey.

SWANSEA.
John Henry Vivian.

TAMWORTH.
Rt. hon. Sir Robert Peel, bt.,
Edward Henry A'Court.

TAUNTON.
Henry Labouchere,
Edward Thos. Bainbridge.

TAVISTOCK.
William (Russell) Lord W. Russell,
John Rundle.

TEWKESBURY.
William Dowdeswell,
John Martin.

THETFORD.
Henry (Fitzroy) Earl of Euston,
Hon. Francis Baring.

THIRSK.
Sir Samuel Crompton, bt.

TIVERTON.
John Heathcote,
Rt. hon. Henry John (Temple) Viscount Palmerston.

Totness.
Edward Adolphus (Seymour) Lord Seymour,
Jasper Parrot.

Tower Hamlets.
William Clay,

Truro.
John Ennis Vivian,
Edmund Turner,

Tynemouth.
Sir Charles Edward Grey, knt.

Wakefield.
Hon. William Sebright Lascelles.

Wallingford.
William Seymour Blackstone.

Walsall.
Francis Finch.

Wareham.
John Hales Calcraft.

Warrington.
John Ireland Blackburn.

Warwick.
Sir Chas. E. Douglas, knt.,
William Collins.

Warwickshire.
(*Northern Division.*)
Sir J. Eardley Wilmot, bt.,
W. Stratford Dugdale.
(*Southern Division.*)
Sir J. Mordaunt, bt.,
Evelyn John Shirley.

Wells.
Richard Blakemore,
Wm. Goodenough Hayter.

Wenlock.
Hon. George Cecil Weld Forester,
James Milnes Gaskell.

Westbury.
John Ivatt Briscoe.

Westminster.
Sir De Lacy Evans, K.C.B.
John Temple Leader.

Westmoreland.
William (Lowther) Viscount Lowther,
Hon. Henry Cecil Lowther.

Weymouth and Melcombe Regis.
Geo. Aug. Fred. (Villiers) Viscount Villiers,
George William Hope.

Whitby.
Aaron Chapman.

Whitehaven.
Matthias Attwood.

Wigan.
Richard Potter,
Charles Standish.

Wight, (Isle of.)
Hon. William Henry Ashe A'Court Holmes.

Wilton.
Edward Baker.

Wiltshire.
(*Northern Division.*)
Walter Long,
Sir Francis Burdett, bt.
(*Southern Division.*)
John Benett,
Hon. Sidney Herbert.

Winchester.
Paulett St. John Mildmay,
James Buller East.

Windsor.
John Ramsbottom,
Robert Gordon.

Woodstock.
George (Spencer Churchill) Marquess of Blandford.

Wolverhampton.
Thomas Thorneley,
Charles Pelham Villiers.

Worcester.
Thomas Henry H. Davies,
Joseph Bailey.

Worcestershire.
(*Eastern Division.*)
Horace St. Paul,
John Barneby.
(*Western Division.*)
Hon. Henry B. Lygon,
Henry Jeffreys Winnington.

Wycombe (Chipping.)
Robert Smith,
George Henry Dashwood.

Yarmouth.
Charles Edward Rumbold,
William Wilshere.

York.
John Henry Lowther,
Hon. John Chas. Dundas.

Yorkshire.
(*North Riding.*)
Hon. Wm. Duncombe,
Edward S. Cayley.
(*East Riding.*)
Richard Bethell,
Henry Broadley.
(*West Riding.*)
Rt. hn. Geo. Will. Fred. (Howard) Viscount Morpeth,
Sir George Strickland, bt.

SCOTLAND.

Aberdeen.
Alexander Bannerman.

Aberdeenshire.
Hon. Wm. Gordon.

Argyleshire.
Walter Fred. Campbell.

Ayr, &c.
Patrick James Herbert Crichton (Stuart) Lord P. J. H. C. Stuart.

Ayrshire.
John Dunlop.

Banfshire.
James Duff.

Berwickshire.
Sir Hugh P. H. Campbell, bt.

Buteshire.
Sir William Rae, bt.

Caithness-shire.
Sir George Sinclair, bt.

Clackmanan and Kinros-shires.
Sir Charles Adam, K.C.B.

Cupar, &c.
Edward Ellice, jun.

Dumbartonshire.
Sir James Colquhoun, bt.

Dumfries, &c.
Matthew Sharpe.

Dumfries-shire.
John James H. Johnstone.

Dundee.
Rt. hon. Sir Henry Parnell, bt.

Dysart, &c.
Robert Ferguson.

Edinburgh.
Sir John Campbell, knt.,
Rt. hon. Jas. Abercromby.

Edinburghshire.
Wm. Gibson Craig, jun.

Elgin, &c.
Hon. Fox Maule.

Elginshire.
Hon. Francis W. Grant.

Fifeshire.
James Erskine Wemyss.

Forfarshire.
Douglas Gordon (Hallyburton) Lord D. G. Hallyburton.

Glasgow.
John Dennistoun,
Rt. hon. William Henry Cavendish (Bentinck) Lord W. H. C. Bentinck

Greenock.
Robert Wallace.

Haddington, &c.
Robert Stewart.

Haddingtonshire.
Sir Thomas Buchan-Hepburn, bt.

Inverbervie, &c.
Patrick Chalmers.

Inverness.
Roderick Macleod, jun.

Inverness-shire.
Francis William Grant, jun.

Kincardineshire.
Hon. Hugh Arbuthnot.

Kirkcudbright.
Archibald Murray.

Kirkwall, &c.
James Loch.

Lanarkshire.
Alex. Macdonald Lockhart.

Leith, &c.
Rt. hon. John Archibald Murray.

Linlithgow.
William Downe Gillon.

Linlithgowshire.
Hon. James Hope.

Orkney and Shetland Shires.
Frederick Dundas.

Paisley.
Archibald Hastie.

Peebleshire.
William Forbes Mackenzie.

Perth.
Hon. Arthur Fitzgerald Kinnaird.

Perthshire.
William David (Murray) Viscount Stormont.

Renfrew, &c.
John Campbell Colquhoun.

Renfrewshire.
George Houssoun, jun.

Ross and Cromarty-shires.
Thomas Mackenzie.

Roxburghshire.
Hon. John Edmund Elliot.

Selkirkshire.
Alexander Pringle.

Stirling, &c.
Archibald (Primrose) Lord Dalmeny.

Stirlingshire.
Hon. George Ralph Abercromby.

Sutherlandshire.
Hon. William Howard.

Wigton, &c.
John M'Taggart.

Wigtonshire.
James Blair.

IRELAND.

Antrim.
Hon. John Rich. Bruce O'Neil,
John Irving.

Armagh.
Archibald (Acheson) visc. Acheson,
Wm. Verner.

Armagh (Borough.)
William Currey.

Athlone.
John O'Connell.

Bandon-Bridge.
Joseph Devonsher Jackson.

Belfast.
James Emerson Tennent,
George Dunbar.

Carlow.
Nicholas Aylward Vigors,
John Ashton Yates.

Carlow (Borough.)
William Henry Maule.

Carrickfergus.
Peter Kirke.

Cashell.
Joseph Stock.

Cavan.

Clare.
Wm. Nugent M'Namara,
Cornelius O'Brien.

Clonmel.

Coleraine.
Edward Litton.

Cork.
Garrett Standish Barry,
Edmond Burke Roche.

Cork (City.)
Daniel Callaghan,
Francis Bernard Beamish.

Donegal.
Sir Edmund S. Hayes, bt.,
Edward Michael Conolly.

Down.
Arthur Wills Blundell Sandys Trumbull Windsor (Hill) Earl of Hillsborough.
Rt. hon. Fred. (Stewart) Viscount Castlereagh.

Downpatrick.
David Kerr.

Drogheda.
Sir William Meredyth Somerville, bt.

Dublin.
George Evans,
William Chambre (Brabazon) Lord Brabazon.

Dublin (City.)
Daniel O'Connell,
Robert Hutton.

Dublin (University.)
Rt. hn. Thomas Lefroy,
Rt. hn. Frederick Shaw.

Dundalk.
Thos. Nicholas Redington.

Dungannon.
Hon. Thomas Knox.

Dungarvan.
Hon. Cornelius O'Callagan.

Ennis.
Hewitt Bridgman.

Enniskillen.
Hon. Arthur Henry Cole.

Fermanagh.
Mervyn Archdall,
Wm. Willoughby (Cole) Viscount Cole.

Galway.
Thomas B. Martin,
John James Bodkin.

Galway.
Andrew Henry Lynch,
Martin Joseph Blake.

Kerry.
Morgan John O'Connell,
Arthur Blennerhassett.

Kildare.
Richard More O'Ferrall,
Robert Archbold.

Kilkenny.
Hon. Pierce Butler,
George Bryan.

Kilkenny (Borough.)
Joseph Hume.

King's (County).
Nicholas Fitzsimon.
Hon. John Craven Westenra

Kinsale.
Henry Thomas.

Leitrim.
Samuel White.

Limerick.
Hon. Rich. Hobart Fitzgibbon,
William Smith O'Brien.

Limerick (City).
William Roche,
Sir David Roche, bt.

Lisburn.
Henry Meynell.

Londonderry.
Sir Robert Bateson, bt.,
Theobald Jones.

Londonderry (City.)
Sir Robert Alex. Ferguson, bt.

Longford.
Luke White,
Henry White.

Louth.
Rich. Montesquieu Bellew,
Henry Chester.

Mallow.
Sir Chas. Denham Orlando Jephson, bt.

Mayo.
Robert Dillon Browne,
Sir Wm. John Brabazon, bt.

Meath.
Henry Grattan,
Morgan O'Connell.

Monaghan.
Hn. Henry Robt. Westenra,
Edward Lucas.

Newry.
John Ellis.

Portarlington.
Hon. George Lionel Dawson Damer.

Queen's (County).
Sir Chas. Henry Coote, bt.
John Wilson Fitzpatrick.

Ross, (New).
John Hyacinth Talbot.

Rosscommon.
Dennis O'Connor,
Fitzstephen French.

Sligo.
Edward Joshua Cooper,
Alexander Perceval.

Sligo (Borough.)
John Patrick Somers.

Tipperary.
Richard Lalor Sheil,
Robert Otway Cave.

Tralee.
Maurice O'Connell.

Tyrone.
Hon. Henry Thos. Lowry Corry,
James Dupré (Alexander) Viscount Alexander.

Waterford
William Villiers Stuart,
John Power.

Waterford (City.)
Henry Winston Barron,
Thomas Wyse.

Westmeath.
Sir Mont. Lowther Chapman, bt.,
Sir Richard Nagle, bt.

Wexford.
John Maher,
James Power.

Wexford (Borough.)
Charles Arthur Walker.

Wicklow.
James Grattan,
Sir Ralph Howard, bt.

Youghall.
Frederick John Howard.

HANSARD'S

PARLIAMENTARY DEBATES

DURING THE *SECOND SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 5TH FEBRUARY, 1839, IN THE SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 5, 1839.

OPENING OF PARLIAMENT.] Her Majesty went in State to the House of Lords this day, and opened the Parliament by the following Speech:—

" *My Lords and Gentlemen*,

" I rejoice to meet you again in Parliament. I am particularly desirous of recurring to your advice and assistance at a period when many matters of great importance demand your serious and deliberate attention.

" I continue to receive from Foreign Powers gratifying assurances of their desire to maintain with me the most friendly relations.

" I have concluded with the Emperor of Austria a Treaty of Commerce, which, I trust, will extend and improve the intercourse between my subjects and those of the Emperor.

" I have also concluded a Treaty of the same kind with the Sultan, calculated to place the commercial relations between my dominions and the Turkish Empire upon a better and more secure footing.

" I have directed copies of those Treaties to be laid before you.

" I have been engaged, in concert with Austria, France, Prussia, and Russia, in negotiations, with a view to a final settlement of the differences between Holland and Belgium.

" A definitive treaty of peace, founded upon anterior arrangements, which have been acceded to by both parties, has, in consequence, been proposed to the Dutch and Belgium Governments. I have the satisfaction to inform you, that the Dutch Government has already signified to the Conference its acceptance of that Treaty, and I trust that a similar announcement from the Belgian Government will put an end to that disquietude which the present unsettled state of these affairs has necessarily produced.

" The warranty of the five Allied Powers, affords satisfactory security for the preservation of peace.

" I lament the continuance of the civil war in Spain, which engages my anxious and undiminished attention.

" Differences which have arisen have occasioned the retirement of my Minister from the Court of Teheran. I indulge, however, the hope of learning that a satisfactory adjustment of these differences will allow of the re-establishment of my relations with Persia upon their former footing of friendship.

" Events connected with the same differences have induced the Governor-General of India to take measures for protecting British interests in that quarter of the world, and to enter into engagements, the fulfilment of which may render military operations necessary. For this purpose such preparations have been made as may be sufficient to resist aggression from any quarter, and to maintain the integrity of my Eastern dominions.

"The Reform and Amendment of the Municipal Corporations of Ireland are essential to the interests of that part of my dominions.

" It is also urgent that you should apply yourselves to the prosecution and completion of those measures which have been recommended by the Ecclesiastical Commissioners of England, for the purpose of increasing the efficiency of the Established Church, and of confirming its hold upon the affection and respect of my people.

" The better enforcement of the law, and the more speedy administration of justice, are of the first importance to the welfare of the community; and I feel assured that you will be anxious to devote yourselves to the examination of the measures which will be submitted to you for the purpose of attaining these beneficial results.

" *Gentlemen of the House of Commons,*

" I have directed the annual Estimates to be prepared and laid before you.

" Adhering to the principles of economy, which it is my desire to enforce in every department of the State, I feel it my duty to recommend that adequate provision be made for the exigencies of the public service. I fully rely on your loyalty and patriotism to maintain the efficiency of those Establishments which are essential to the strength and security of the country.

" *My Lords and Gentlemen,*

" It is with great satisfaction that I am enabled to inform you that, throughout the whole of my West Indian possessions, the period fixed by law for the final and complete emancipation of the negroes has been anticipated by Acts of the Colonial Legislatures; and that the transition from the temporary system of apprenticeship to entire freedom has taken place without any disturbance of public order and tranquillity. Any measures which may be necessary, in order to give full effect to this great and beneficial change, will, I have no doubt, receive your careful attention.

"I have to acquaint you, with deep concern, that the province of Lower Canada has again been disturbed by insurrection, and that hostile incursions have been made into Upper Canada by certain lawless inhabitants of the United States of North America, These violations of the public peace have been promptly suppressed by the valour of my forces and the loyalty of my Canadian subjects. The president of the United States has called upon the citizens of the Union to abstain from proceedings so incompatible with the friendly relations which subsist between Great Britain and the United States.

"I have directed full information upon all these matters to be laid before you, and I recommend the present state of these provinces to your serious consideration. I rely upon you to support my firm determination to maintain the authority of my Crown, and I trust that your wisdom will adopt such measures as will secure to those parts of my empire the benefit of internal tranquillity, and the full advantages of their own great national resources.

"I have observed, with pain, the persevering efforts which have been made, in some parts of the country, to excite my subjects to disobedience and resistance to the law, and to recommend dangerous and illegal practices. For the counteraction of all such designs, I depend upon the efficacy of the law, which it will be my duty to enforce—upon the good sense and right disposition of my people—upon their attachment to the principles of justice, and their abhorrence of violence and disorder.

"I confidently commit all these great interests to your wisdom, and I implore Almighty God to assist and prosper your counsels."

CANADA.] Upon the Lord Chancellor's commencing at 5 o'clock to read her Majesty's Speech,

The Earl of *Durham* rose and said—My Lords, I have a question to put to the noble Viscount at the head of her Majesty's Government previous to the reading of her Majesty's speech? My Lords, I wish to ask the noble Viscount when it is his intention to lay upon the table that information respecting the affairs of Canada, which has been referred to in her Majesty's speech?

Viscount *Melbourne:* My Lords, that information will be laid before your lordships almost immediately; but part of that information was of such a nature, that it could not be laid upon the table by the authority of Ministers, until Ministers themselves had the opportunity of examing into its contents.

The Earl of *Durham:* My Lords, my observation referred to the Report I presented as Lord High Commissioner, and the dispatches I addressed to the Secretary of State for the Colonial Department. I understood, that they would be laid upon the table to-day. I am aware that not a very long time has elapsed since Ministers were put in possession of them, but I think a sufficient period to enable them to judge whether they should form a portion of the information to be communicated to the House or not. I do not ask them for any decision upon it, but I should hope that the report would be placed upon the table at the earliest possible period, confident as I am, that it will show I have redeemed the pledges which I gave in this House, and that I have zealously discharged my duty to my Sovereign and to my country.

Viscount *Melbourne:* The dispatches will be laid upon the table without delay. The report it is the intention of Ministers to lay upon the table, but that report was only received in form at the Colonial-office yesterday evening, and the appendix has not even yet been received, and it is necessary that the Ministry should have some time to consider it before they, upon their own responsibility, lay it before the House. There is no intention whatever to withhold that report, or any other information, which, when it is laid upon the table of the House, will, no doubt, amply answer the description which the noble Lord has given of it.

Earl of *Durham :* My Lords, I beg it may be understood that though only a few hours may have elapsed since Members had an opportunity of reading the report officially signed, that yet the proof sheets of that report have been in their possession since Thursday last.

Lord *Brougham :* My Lords, nothing can be more certain than that both parties have acquitted themselves in the most honourable manner. Ministers cannot be expected to lay papers before the House which they have not had time to consider; and, on the other hand, nothing can be more honourable and natural than the anxiety of my noble Friend behind me (Earl Durham) that the earliest opportunity should be given to the country to judge of his statements.

Subject dropped.

ADDRESS — ANSWER TO THE SPEECH.] The Earl of *Lovelace* rose for the purpose of moving an humble Address, in answer to her Majesty's most gracious Speech; and he could assure their Lordships, that it was not without the utmost diffidence that he came forward on this occasion. He had now the honour of addressing their Lordships for the first time, and he had, therefore, in consequence of his inexperience, earnestly to pray for their Lordships' indulgence, and in return for that indulgence, he should endeavour to detain their Lordships for as short a time as possible, consistently with the importance of the topics on which it would be necessary for him to touch. He was quite aware of the difficulty of his situation. In the first place, he well knew that there were many amongst their Lordships much better able to expatiate on these topics than he was; and, in the next, he was desirous that perfect unanimity should prevail on this occasion. He should most deeply deplore if anything introduced by him should have the effect of endangering any reasonable probability of their Lordships taking the same view of the Speech from the throne which he had done. He was happy to find, from her Majesty's Speech, that her Majesty had received from the several foreign Powers the expression of a perfectly harmonious feeling. They had to congratulate themselves on the approaching termination of the long-existing differences between Holland and Belgium. It was most gratifying to learn that treaties had been entered into with Austria and Turkey, by means of which a modification had been effected of that restrictive system which had proved so vexatious to our merchants, and by which our commerce had been greatly crippled. From this alteration the most beneficial results might confidently be expected. The stipulations entered into with Austria would afford to British enterprise the opportunity of supplying the wants of 34,000,000 persons, occupying a great variety of soil and climate; and when he looked at the geographical position of this country, and the present state of the population, it must be admitted, that no treaty could be more favourable or more opportune. With regard to the continuance of the civil war in Spain, it was certainly much to be lamented; and, great as were the calamities which that contest had inflicted on the country, it was much to be regretted, that advantages, commensurate with such great sacrifices, had not been secured to the Spanish people. But let their Lordships hope that the lesson inculcated by this hitherto unavailing war would not be ultimately thrown away. The only exception to that general peace which prevailed amongst the relations of this country abroad, and which was referred to in the Speech from the Throne, related to certain operations of a warlike character that had occurred in India and Persia. Those operations had rendered it necessary for the supreme Government of India, even in a time of peace, to take strong and efficient measures, which he trusted would put an end to those differences. No blame could be attached to her Majesty's Government on account of what had taken place. Proper steps had been adopted to secure our empire in India, and the conduct which had been pursued by the Government abroad would, he hoped and expected, be approved of by their Lordships. Looking at the internal condition of the country, he could not but believe, that they had just grounds for considering, that great improvements had taken place in many branches of domestic industry. The year 1837 had been remarkable for very great commercial depression. Whether that was to be attributed to over-trading or to speculation was not then the question to be examined into; but this might be said, that a great deal of it was owing to the unfortunate state of public credit in the United States. He was happy to find that the commercial prosperity of that country had been placed upon its former basis; and it was gratifying to know, that the more a country advanced in civilization, the more the resources of a bountiful Providence were bestowed upon a country—the more skill, the more industry, and the more arts that were to be found, the more were the prosperity and the welfare of the country increased. He was very far from saying, that, though the country had improved in some respects, there were not facts before them calculated to excite their grief. He need not, for instance, allude to the very high price of the necessaries of life. That was a circumstance well calculated to excite the deep sympathies of their Lordships. High prices were the natural result of a short harvest, and the unfortunate operation of laws affecting the importation of corn. He had, from an early period, felt the injustice of these laws, and he was convinced they were injurious to agriculture itself. He did not think, that blame could be cast upon her Majesty's Government for not giving a prominent place to this subject in the Speech from the Throne, and of their giving the weight and influence to one side of the question which was to be derived from their situations. Considering the state of the public mind upon this subject, and considering the exaggerated expectations which were entertained upon the one side, and the unfounded apprehensions that might be felt upon the other, it was most important for her Majesty's Ministers to consider impartially the effects of this question, and to take no step which might be the means of withdrawing that capital which was now so beneficially employed in agricultural labour. Considering, then, all the circumstances, he did not think that her Majesty's Government were bound to declare either that they would be in favour of wholly repealing the existing laws, or of maintaining them in their present state. He thought they had chosen a wiser course than either of the preceding could be. The great distress which had been occasioned by the high price of food had been much mitigated by the beneficial operation of the new Poor-law. In 1831, when great distress had arisen from the same cause, the greatest misery was experienced, and very great outrages had been perpetrated; and at that time the price of bread was fifteen or twenty per cent. lower than it is now; and yet there was far more real distress then than at this moment. In the country the wages had not risen to the level to be desired; yet there seemed to be a disposition on the part of the landowners to consider the condition of the labourer. It was true, that the introduction of the measure into some districts, not the most enlightened or the most intelligent, had led to disturbances; and though in some cases the promoters of these disturbances had contrived to keep within the pale of the law, yet there were cases in which an example would be made of the most prominent, if not the most guilty, of them. A measure reproducing some of the most essential characteristics of the English Poor-law had formed a principal measure of the legislation of her Majesty's Government for Ireland; and whatever differences of opinion might have existed on that measure before it passed the House of Peers, it was satisfactory to think that no sooner had it become law, and the Executive officers and commissioners for its administration had been appointed, than the people of Ireland had received it with a respect and attention highly creditable to the country. This said much for the tranquillity of that country and the confidence which it possessed in the executive Government, and afforded an answer to the sweeping assertions sometimes made, that the English Parliament did not understand the wants and wishes of the people. An opportunity for acting in accordance with the wishes of that people would be presented to their Lordships whenever the report of the Irish Railway Commissioners should come before them. The great mass of statistical information contained in that Report would go far to abridge the labours of the House. In coming to a conclusion on those labours, great as would be their responsibility on that measure, he was not without sanguine hopes that this session would not pass away without their being able to give considerable attention to the measure. Upon the subject of reform in the Church Establishment of Ireland, and with regard to the Irish Municipal Corporations and to the administration of the laws, these were subjects which had been so often before their Lordships, and so often discussed in that House that it would be idle in him to attempt to say anything regarding them; and the more so, as it was understood that their Lordships had objected, not so much to the principle of Reform, as to the degree in which it was to be carried in these various branches of legislation. There was also another subject to which he would draw attention; it was that of the furtherance of the education of the people. No one could read the appeals which had lately been made to the exercise of physical force in the large towns without feeling that improvement in the moral feelings, and in the intellectual character of the lower orders of this country had not kept pace with the advance of the arts and of civilization. There were some who objected to information being afforded to the people altogether, and others who limited it to a certain extent, and confined it within certain doctrinal and religious restrictions. But he submitted that education to be afforded must be viewed not as a boon to the members of the Established Church, so much as an assurance of what their Lordships were desirous to effect by its operation on the minds of the people against popular commotion. If it were to implant in them principles of honesty, and instil habits of self-control and reflection, then assuredly it would not be wise to limit education within any narrow or exclusive grounds, or conduct it on principles that would have the effect of shutting out of the schools the large and increasing class that dissented from the doctrines of the Church. Although at present it was not desirable, in the deficient state of information in which they were, to legislate on this subject, yet it might be hoped, from the number of experiments that were making throughout the country, that no long period would elapse before their Lordships were in possession of sufficient information to warrant them in conceding some comprehensive plan of education. On the subject of what was once West Indian slavery, they had to rejoice in the bloodless revolution which had converted nearly a million of slaves to apprentices, and from apprentices to free men, without shedding of blood, or momentarily depreciating the value of property. And were anything wanting to enhance the value of that measure, it was the contrast which was exhibited at the other side of the Atlantic, where the successors of those who signed the declaration of independence had shrunk from the task which the Legislature of this country had, by the blessing of God, carried to so successful a termination. With regard to Canada, he, for one, should not cease to regret the act of last Session, which had interrupted the prospects that they had indulged in the hope of seeing realized, not without reason, on the approaching termination of that Session—that that act should have interrupted the noble Earl, who had lately returned to this country, in his plans which would have organized the jarring elements that existed in that colony. But he felt the delicacy of touching on that subject in the absence of that information which alone would enable their Lordships to form a just conclusion on it, and which both the House and the country were entitled to expect. He had only now to appeal to their Lordships' indulgence in having taken up so much of their time and attention; and, thanking them for their forbearance, he should conclude with moving that a humble address be presented to her Majesty.

Lord *Vernon:* My Lords, at all times and under all circumstances would it be necessary for me to bespeak the kindness of your Lordships' House; but with especial earnestness must I throw myself on your Lordships' indulgence when every topic has been so ably treated by the noble Earl. My noble Friend has, indeed, so fully illustrated the subjects referred to in her Majesty's Speech, that it might, perhaps, be sufficient for me to express my cordial concurrence in the tenor and language of the Address. But I trust your Lordships will excuse me for a few minutes while I endeavour, as shortly as I can, to notice some of the subjects in which I feel more peculiarly interested. Taking into view the position of this country, I find one subject which is especially noticed in her Majesty's Speech, and to which no Englishman can be indifferent. It is a subject on which, if I may be permitted to say it, I feel somewhat of an hereditary and personal interest—I mean the condition of the navy. I am sure that your Lordships will sympathise with me in the lively satisfaction with which I have received the direct, and, as it seems to me, conclusive refutation given to the misstatements put forth upon this subject; to the reports circulated, and assertions made, of a nature to fill with alarm every one to whom the honour of the British navy is dear; reports well calculated to weaken the hopes of successfully repelling foreign invasion, and to excite the rivalry of those who have been hitherto content to admit our naval superiority. It has been stated through the various channels through which the public credulity is generally assailed, that our yards are destitute of stores, our docks without vessels fit for service, and, in short, that the country is exposed without defence to the aggressions of a hostile army. Your Lordships, I am sure, have seen with pleasure the answer given to these misstatements on the authority of Sir John Barrow—a vindication of truth, and a support of the peculiar glory of this country, in which no party prejudice could by possibility have been engaged. The eminent public officer to whom I have referred would have disdained to allow himself to be affected by any political influence on a subject of such vital and paramount importance. With Sir John Barrow I have not the honour of being personally acquainted; but he certainly never could be considered a partisan of the present Government. But I may avail myself of the testimony brought forward by this gentleman of the superiority of our navy. Upon the information and experience acquired during many years' service in that department, he has declared—and in my opinion incontrovertibly proved—that so far from our naval resources being in a diminished or deteriorated state, at no time in our history could it boast of more professional knowledge and skill, or was it in a more serviceable state. I trust, my Lords, that many years may elapse before it may be demanded for purposes of war. But whenever the occasion may arise, or from whatever quarter an enemy may come to wrest from us the dominion of the seas, I have no apprehension of the result. I care not how soon, to use the expression of Mr. Canning, at the call of patriotism or necessity, the naval power of England may be compelled to collect the scattered elements of its strength, and arouse its sleeping thunders. But, my Lords, though I see every reason for satisfaction in the present state of the navy, I see none for overweening confidence; the subject is one of too vital importance to admit of apathy; and let it be remembered, that foreign nations are using every effort to compete with us. I confess I deeply regret the destruction of some of the elements of our naval strength, such as the marine artillery, and the coast blockade. But for this the present Government is not responsible. I should rejoice much if measures could be taken by which our steam force would be no longer left in a merely potential state, but be placed in a condition fit for actual service. I am anxious, also, that effective means should be adopted for providing nurseries of seamen, so as to render it unnecessary that impressment should ever be resorted to—a practice of which the only justification is an imperious and inflexible necessity. But, my Lords, while I recognize the wisdom of being prepared for war, I rejoice, that there are many securities for the continuance of peace. The first of these securities I find in the state of our foreign relations, in our natural and beneficial alliance with the French and other constitutional governments. And here I may express my gratification, that the five great powers have agreed to an arrangement for the settlement of the dispute between Holland and Belgium. I trust that these powers will not hesitate to accede to an arrangement the justice of which is so strongly guaranteed. The second reason is furnished by the increasing intelligence of the European populations, who are all inclined to prefer the solid advantages of peace to the barren glories of military success. The third reason is to be found in the commercial treaties which, so much to the honour of our Government, have been lately concluded with Austria and Turkey, and which are valuable as affording an additional outlet to our commerce in the East, but are still more so as furnishing an additional guarantee for peace, and as laying the foundation for the commercial and financial prosperity of Turkey and its dependencies—a prosperity essential to the peace of Europe, and, perhaps, of India too. I rejoice in these cases that prejudices so destructive of our commercial system have vanished. But while I applaud the wise and equitable principle of these arrangements, I feel, that if we do not adopt them in our turn, they will be but an unreal mockery; and that without establishing something of reciprocity, the commercial glories and pre-eminence of England must pass away. On this account the Corn-laws merit some regard, as well as on other considerations. It is to be hoped that this question may be settled at an early period, with a just regard to the welfare of all classes of the community, so that the restrictions on the importation of corn may be carried no further than is necessary to countervail the burdens which fall exclusively on the agricultural interest. If we hesitated to remove any restrictions not absolutely necessary, or which tend directly or indirectly to diminish the supply and enhance the price of food to the poor, it appears to me that we should be violating our first duty as legislators, and incurring as members of a Christian community, a fearful responsibility. It is not, my Lords, I assure you, my wish to enter into the details of what is termed the Corn question, at this moment. I would only endeavour to impress upon your Lordships what I feel myself, the necessity of coming to an early settlement of it. I consider it perfectly vain to stave off the consideration of this question to a more convenient season. Look at what has happened on former occasions—the Roman Catholic question—Reform—Slavery. How were these questions carried? If not by agitation, at least in the midst of agitation. Let us not disregard the example furnished by these instances, nor fall into the same error with regard to the Corn-laws. Let us not hold the dangerous doctrine, that what we deny to justice may be wrung from us in difficulties. Let us endeavour, rather by judicious and well-considered measures, while there is time for deliberation, to endeavour to put an end to the jarrings on this subject, and reconcile conflicting interests. There is a peculiar fitness for the consideration of this question now, when the agricultural interest has been relieved of a heavy burden by the operation of the New Poor-law. The experience of the working of that measure proves it to have been most successful. Its benefits have not been attained without some severe suffering amongst the lower classes, but these, it is to be hoped, are evils only incidental, while the good is essential. Some alleviation of these sufferings might, perhaps, be found in a change of the laws which regulate the importation of food. However this may be, it appears to me, that every reason—moral, social, and political—should induce us, at all events, to endeavour earnestly and dispassionately to bring this question to a satisfactory settlement. But in speaking of the condition of the state of the laws which affect the means of sustenance, I am naturally led to refer to the disturbances which have broken out in the northern parts of the country, although by the wise forbearance of the Government they have now for some time subsided. The itinerant preachers of sedition are reduced to silence. Yet that they should have been able to create agitation to such an extent, does indeed furnish matter for grave reflection. That speeches of so inflammatory a character, addressed to such large masses, should have caused so little mischief, is certainly a proof of the good feeling of the people; but that they should have been listened to at all, is a proof of the grossest ignorance. The ignorance of the great mass of society has been looked upon by some as a security for property and the public peace. Alas! my Lords, we have seen the lamentable effects of such ignorance in occurrences which not long ago took place in a neighbouring county. And what was the remedy proposed by the Archbishop of that province? What, but education? National education, indeed, is a subject attended with enormous difficulties—difficulties sufficient to immortalise the name of any one who shall overcome them. I trust, that the noble and learned Lord, whose name is so honourably identified with the promotion of education, will not be prevented by any personal or party considerations from giving the Government on this subject the aid of his name and talents. There is another subject to which I cannot help referring, though it has occupied so much of your attention, and though it has for many years past been invariably mentioned in the speeches from the throne as a subject of the greatest anxiety. The noble Lord proceeded to observe, that the prospects of Ireland were at present considerably ameliorated, although there had always been great difficulties in the way of constitutional government in that country. Whatever race had ruled in that country, whether the Saxons or the Normans, or whatever principle had been predominant, whether of the Reformation, of the Commonwealth, or of the Revolution—all seem to have increased the uneasiness, and to have aggravated the discontent. The time was now come, however, for a more generous policy, and for treating the Irish not as strangers, but as fellow subjects, and treating them as England is bound to treat in time of peace those who did so much to save her honour in time of war. We may yet be enabled to allay the irritation which is the consequence of past neglect. I trust that a scheme of municipal corporations may yet be devised which will materially contribute to the great object of accustoming the Irish people to self-control and self-government, and thus fulfil, in some degree, the intentions of nature towards a country for which it has been truly said, that God has done so much and man so little. There is another subject referred to in her Majesty's Speech. It is a matter of concern, that a portion of her Majesty's Canadian subjects should have been urged by ambition or national jealousy, or misled by ignorance, into open rebellion against her Majesty's authority. But it is a subject of congratulation, that that rebellion had been suppressed with the least possible quantity of bloodshed; and for that they were indebted to the loyalty of the inhabitants and the valour of the troops. It is impossible to speak too highly of that distinguished officer, Sir John Colborne, who had had to contend with great difficulties, from the nature of the country, from the extent of the frontier, and from the severity of a Canadian winter. Those difficulties were considerably aggravated by invasions which the government of the United States were unable to prevent. Yet, under all these circumstances, the indefatigable exertions of the troops were often exceeded and anticipated by the zeal and spirit of the inhabitants. I look upon it, my Lords, as a most fortunate circumstance, that from the suppression of this rebellion, whatever her Majesty may be advised to grant to the people of Canada, will be received as a boon, whereas heretofore it might have been regarded as the obtainment of a right. I should wish to direct your Lordships' consideration to the benefit which must arise from the valuable information collected on the spot by the noble Earl who was lately her Majesty's representative in that colony, and who, from his talents, is eminently capable of appreciating the character and circumstances of the Canadian people, and the untimely close of whose administration, I join my noble Friends in most sincerely regretting. For the sake of the British empire, as well as for the sake of the Canadians themselves, I trust, that the calamities which afflict them may be brought to a happy termination—that the winter of their discontent may be turned to bright summer by the wisdom of Parliament—and that her Majesty's loyal subjects in Canada may exchange their present state of alarm for a firm reliance on British support and for an increased and increasing attachment to British connection. When this question comes before the House it may be reasonably hoped that it will be discussed without acrimonious or party feelings, or any other feeling but an anxious desire to provide for the safety and good government of that important colony. I shall follow the example set by the noble Duke who has always shown himself ready to sacrifice party feelings and questions whenever the welfare of the country demanded such a sacrifice. Before I quit the subject of the colonies, I wish to be allowed to refer to the great and peaceful change which has taken place in our West-India possessions. Perhaps the world has never beheld a nobler spectacle than that which was presented by 800,000 human beings assuming in one day the rights of freemen without a single disturbance, a single act of violence throughout those colonies to mar the splendid solemnity of that glorious scene. It was worthy of the English nation, and worthy of the mild and beneficent spirit of christianity in which it originated, and honourable to all who could claim a share in having brought it about. I must, in conclusion, thank your Lordships for the kindness with which you have heard me, and I beg to assure your Lordships, that if I have said anything which, in the slightest degree, tends to disturb the unanimity of the House, I most sincerely regret it. Undoubtedly I entertain decided opinions on these subjects; but I should feel, that I was taking an unfair advantage of the position in which I am placed, if I were now to raise questions which ought to be reserved for other occasions. I shall most sincerely regret if anything that has fallen from me is calculated to offend the feelings or principles of any of your Lordships.

The Duke of *Wellington*: I rise to state to your Lordships that I feel no objection to the speech from the throne, or to the motion for an address made by the noble Earl in an able speech, and seconded likewise in a speech of equal ability by the noble Lord. My Lords, in adverting to the topics brought under your Lordships' consideration, I shall beg leave to adhere principally to those which are the subject of the motion made by the noble Lord who proposed to your Lordships the address to the Queen rather than to those other subjects which have been adverted to. My Lords, the Speech delivered by her Majesty, and the address submitted to your Lordships by the noble Earl, and seconded by the noble Lord who sits near him, has nothing to say (and in my opinion very properly) to corn-laws, to poor-laws in England or in Ireland, to education, to the return of a noble Earl from his mission in a distant part of the world, or to many other topics adverted to by the noble Earl and by the noble Lord who followed him and seconded the Address. These, my Lords, may very properly become subjects of future discussion in this House; but it would, in my opinion be only useless to detain your Lordships to refer to them at the present time. To the

Speech from the Throne, and to the motion for an address made by the noble Earl, and to the topics contained in the Speech, and in the Address, I shall address myself, and I shall endeavour to draw your Lordships' attention for a few moments. My Lords, I entirely concur with the noble Lords, and likewise with the tenour of the Address, and with the Speech, in congratulating your Lordships on the state of foreign affairs, especially in respect to the proposition for a peace between Holland and Belgium, and in respect of the unanimous concurrence of the five allied powers, in having made that proposition. My Lords, I hope it will never be lost sight of in this country that the original foundation of Belgium as a separate and independent kingdom, and condition connected with its holding such a position was that of perpetual neutrality. It was so stated by the noble Earl (Earl Grey), the predecessor of the noble Viscount, and I hope that proposition will never be forgotten by this country or by Belgium. My Lords, I sincerely rejoice in the renewal of the commercial treaty with Austria, and in the improvements which have been made in our commercial and other relations besides with the Ottoman Porte. In respect of the commercial relations with the Austrian government, the noble Lord is mistaken in supposing that the commercial treaty contains any principles different from former treaties, excepting one most important condition, namely, the opening of the navigation of the Danube. That arrangement and condition has been added to these treaties, and it is a most important arrangement; but, in respect to the other advantages adverted to by the noble Earl, they might have been adverted to hereafter, but I think there is no reason at present to bring them under your Lordships' consideration. My Lords, there is a question adverted to in the Speech, almost overlooked by the noble Earl, though it is alluded to in the Address, and that is the state of affairs in the East. My Lords, it is impossible for me, or for any person ever so little acquainted as many of your Lordships must be with this subject, to pretend to give any opinion upon the point; but, as it is alluded to in the Speech from the Throne, and in the Address moved by the noble Earl, I conclude that her Majesty's Government will consider it their duty to give this House, and the other House of Parliament all the information in their power, in order to enable the public to form a judgment on these important transactions. I shall advert to this presently, in drawing your Lordships' attention to the situation of this country, as involved in a very extensive system of warfare; but, my Lords, I do not pretend to blame any one for these transactions, of which I know nothing, excepting what is mentioned in the Speech and the Address. My Lords, in a former Session of Parliament I recognised the principles of a Reform in the Municipal Corporations of Ireland, with a view to their being founded on the principles of election. But, my Lords, in the last Session of Parliament, a measure founded on this principle passed the House of Commons—was amended in this House, and sent down to the other House of Parliament, where it was considered and amended again, but finally lost. My Lords, I do not allude, in reference to this subject, to what is going on in Ireland; but I am not disposed to depart from the principles acted on in the last Session of Parliament. All I can say upon the subject is, that I do not consider myself pledged further than I should feel myself bound as in the last Session of Parliament to consider, with a view of perfecting any system, or any measure which her Majesty's Government may propose. My Lords, I must advert to the use of the word "essential," in that part of the Speech which refers to this subject. Her Majesty's Speech states,—"that the Reform and Amendment of the Municipal Corporations of Ireland are essential to the interests of that part of our dominions." My Lords, in allowing the application of the word essential to the Reform of the Municipal Corporations in Ireland in the Address, it must be understood as only admitting the principle of these reforms. My Lords, upon the other topics adverted to by her Majesty, I can only say that if any measures are presented to Parliament, I shall be disposed to consider such measures, and to give every assistance in my power towards rendering them as complete as possible. My Lords, with respect to that part of the Speech which speaks of measures "for the better enforcement of the law, and the more speedy and certain administration of justice," it is impossible for me to know exactly what is intended. In these circumstances I cannot be expected to say more than that I shall give such measures, whenever they are brought forward, every consideration that I can devote to them. My Lords, no one can rejoice more than I do at the termination of the question of West India slavery. Certainly, my Lords, in the last Session of Parliament I entertained a strong objection to the course taken by the noble and learned Lord opposite for accelerating the period at which that measure should be carried into effect. The colonial legislatures, however, who are the best judges on this subject, have thought proper to accelerate that period, and I hope that their measures may be successful. I anxiously hope to see whether we shall have property protected in those countries; for it comes to that—whether we shall have destroyed property in those countries, or whether we have placed it on a solid foundation—on the secure basis of labour regularly hired and paid for. My Lords, I now come to the last part of the Speech, to which I have listened with the utmost anxiety; and I am happy to find in this Speech what was thought necessary on a former occasion, namely, a declaration on the part of her Majesty of her firm determination to maintain her sovereignty over her provinces in North America. My Lords, I could wish that this declaration of her Majesty had been accompanied by corresponding efforts to enable her Majesty to carry these intentions into effect. The insurrection is confined to one part of the country; but it has been accompanied by an invasion and an attack upon the persons and property of her Majesty's peaceable subjects on all parts of the frontier adjoining the United States, by inhabitants of the United States, and for no reason whatever but because her Majesty's subjects are obedient and loyal to her Majesty. Certainly, my Lords, I should wish to see a corresponding preparation made, and measures adopted, with a view of carrying into execution the intentions which her Majesty has declared, of maintaining her sovereignty over [these provinces. My Lords, the system of private war which prevails on that frontier is unknown in any other part of the world. We read of such things in the history of barbarian nations we read of such a system carried on against the British settlements in Africa, and which lasted from century to century. All these were wars of barbarism against civilization. Never were there any instances of such wars between civilized nations, except in the case before us. Her Majesty's loyal subjects in this province were united there —were fixed in their habitations under the protection of the sovereign of these realms, and they had the clearest claim to have the strong arm of Government extended over them for the defence of their lives, their rights, and their property. Yet though hundreds after hundreds of the persons who assailed the loyal portion of the Canadian population have been taken prisoners by her Majesty's officers, yet so ineffectual seem the laws, that the same outrages continue as rife as before. I trust noble Lords and the other House of Parliament will look a little further into this very important subject, and draw the attention of Government closely to it; for it appears to me eminently necessary, that some measures should be taken to induce the government of the United States to put into operation some effectual steps for the suppression of these outrageous proceedings. Let the House look to the history of the invasion of Texas—let the House consider the consequences of that invasion, which took place in a very similar manner to the invasion of Upper Canada. Let them consider closely the consequences of that invasion, for it seems to me, that if some steps are not speedily taken on the part of her Majesty to enforce that passage of the royal Speech of which I approve so highly, which expresses her determination to maintain her sovereignty in this province—I say, if some steps are not speedily taken to carry into force this part of the Speech, we shall find our province of Upper Canada treated much in the same way in which the province of Texas has been treated. This is a point to which I beg to draw the particular attention of her Majesty's government. I entreat of them to consider this war as a great national war; to remember that the highest national interests are involved in it, and that we must proceed on a large scale of action, if we wish to bring it to an early and satisfactory conclusion. My Lords, I thought it necessary to trouble your Lordships on this subject at greater length than on any other. I rejoice to see that her Majesty has announced her intention to maintain her sovereignty over this province, and I trust her Majesty's government will see, that this determination is acted upon in a manner to do honour to the Crown of Great Britain. I have no doubt of the intentions of the President of the United States in the matter, but, at the same time, I cannot but feel regret when I see American subjects coming armed into our territory, armed and provided too, with cannon taken from the United States, and belonging to the United States. I cannot, I say, but feel deep regret and much surprise, when I see these American subjects publicly invading our territories, and am told, that it cannot be prevented by the government of the United States. I remember a discussion in this House and elsewhere upon the question, as to whether the Spanish government could prevent a body of Portuguese troops from moving through Spain; and I remember very well, that it was shown the Spanish government could prevent it, and in the same way. There can, I conceive, be no doubt, but that the civil government of any country is capable at any time of preventing the collection of bodies of troops within its territory, and their invasion of neighbouring states. But here we see the United States government sitting down quietly, and taking hardly any notice whatever of the invasion by its subjects of the British provinces. My Lords, I am now come to the last paragraph in the Speech of her Majesty, in which she complains, that she has observed with pain the persevering efforts which have been made in some parts of the country to excite her subjects to disobedience, and to a resistance of the law, and to recommend dangerous and illegal practices. Now, my lords, I could wish her Majesty's government and the Noblemen who are in the habit of supporting them to attend most particularly to this subject. It is but too true, that such efforts have been continuously made to excite her Majesty's subjects to disobedience and resistance to the laws. But, in connexion with this fact, let me remind your Lordships of a discussion which took place in Parliament on a former occasion, when noble Lords, and one high in office, came down and insisted, with the utmost warmth, upon the indispensable necessity of not interfering with what he described as the rights of the people; when he demanded in particular, that no restrictions whatsoever should be thrown on the right of the people's assembling in large bodies; and when, in broaching this dangerous doctrine, he omitted even the restriction distinctly laid down by the law of the land, that such assemblies must not be in numbers sufficient to create alarm to the community. Let noble Lords remember, too, that at the very moment when the noble Lord at the head of the Home Department was proclaiming a doctrine of that kind in its most unlimited extent, at a meeting at Liverpool, that at that very moment large crowds of men were alarming the country by torch-light meetings. My Lords, one more remark: we have now heard for several years an annual announcement of the great tranquillity of Ireland. On all occasions when this tranquillity has been announced, I have distinctly called it in question. Now, at any rate it appears clear, that there is a Gentleman, high in the confidence of her Majesty's Government, who has been forth seeking new modes of agitation every day. One of his schemes seems to have been to raise a sum of 20,000*l.*, but this new scheme of agitation fell to the ground, when it came out, that the amount was to be deposited in the private bank of the Gentleman who originated the idea. But we hear of another scheme for raising 2,000,000 of fighting men. I am not aware of the success of this plan, but I confess I never heard before of this Gentleman's being employed as a recruiting officer. I trust these paragraphs of the Speech which refer to the execution of the laws will not be lost sight of by the Government, and those Noblemen who lend them their support. I repeat, my Lords, I have no opposition to offer to the Address, and will only add once more my earnest hope, that Ministers will carry into effectual execution those parts of the Speech to which I have more particularly referred.

The Duke of *Richmond* would not have said a word upon this occasion had it not been for what had fallen from his two noble Friends the Mover and Seconder of the Address upon the question of the Corn-Laws. He could not allow these observations to go out to the people without stating his opinion, which was, that if these laws were repealed, the agricultural interest must go to ruin, and then the manufacturing interest must follow, for what could they do without the consumption of the other interest? His noble friends had said those laws ought to be altered, because the agricultural interest had obtained some relief from the Poor Law Amendment Act, but he would ask how long was the malt tax to remain, and when was the land tax to be assimilated and properly apportioned throughout the country? He could not allow such opinions to go to the country without his entering his protest against them and the doings of those speculators who wished to set the two great interests at variance. A question of so much interest should be soon settled, and he hoped an early opportunity would be afforded for discussing it, and he trusted the farmers of England would not be deluded by any one, however high his station, who talked of a moderate fixed duty.

Lord *Colchester* was surprised no notice whatever had been taken in the Speech of the state of our navy, when it had been publicly stated that we were without supplies, and that our navy was in such a state that it would be no difficult matter for a foreign admiral to burn Sheerness. Our coasts were in a most unprotected state, and the question was of sufficient importance to deserve their Lordships' earnest and most serious attention.

The Earl of *Minto:* The House would understand his motive in not entering into the discussion of that question upon that occasion. They would be fully aware it was from no disrespect to their Lordships, but he considered that the discussion could come on much more conveniently under the notice which had been most properly given by the noble Earl. Upon that occasion he would be prepared to enter into the discussion, and show their Lordships that there was no truth in the statements alluded to.

The Earl of *Winchilsea* agreed in everything that had fallen from the noble Duke on the cross benches (Richmond). He was perfectly convinced that if the agricultural interest were ruined, the manufacturing interest could not stand. It was a fallacy to suppose that the British farmer would in any degree be protected by a fixed moderate duty. Now, he would ask, could any government at present impose any fixed tax that would in any way remunerate the British farmer and the British landowner for the burdens which were imposed upon the land. He was most sorry to hear the sentiments which had fallen from the two noble Lords, the mover and seconder of the Address, and he implored that great interest to which he belonged to be perfectly aware of the situation in which they stood, for those two noble Lords would not have so expressed themselves had they not been aware that it would not be displeasing to the Government. He was sorry that noble Lords and others in high authority should not have taken the more honest and manly course, of stating, in their places in Parliament, any change of opinion with respect to so great an interest. A letter had been put forth from one holding a high situation as a feeler for the people, but he could assure the noble Lord and his colleagues that the agitation so raised, though it was joined in by the manufacturers, did not receive the sanction of the great masses who were interested in manufactories. In 1822, when the agricultural interest was reduced to so low an ebb, that the loaf of bread was selling at *3d.* to *3½d.*, and meat at *2d.* a pound, he had himself made a journey through the manufacturing districts, and found that distress prevailed to a frightful and enormous degree, thereby showing that the depression of the agricultural interest did not raise the manufacturing interest. The former consumed nine-tenths of the produce of the latter; and how could the manufacturing interests do without such customers? The capital employed in the cultivation of the land ought to be protected. If this country were to lean for support upon the produce of foreign countries, in a very short time their supplies would fail us. In the meantime a great portion of the land of this country would be thrown out of cultivation. The agricultural interest would be ruined, and the distress would not be upon them alone, but the ruin would be equally extended to the manufacturing interests. There was one part of the Speech which he felt himself obliged to protest against. It was that paragraph which stated that a reform of the Municipal Corporations of Ireland was essential for the peace of that unfortunate country. He was of opinion that they would only keep up that agitation and strife which was the view of the country, and no bill for such a purpose would ever receive his support.

Earl *Roden* also felt himself compelled to enter his protest—his most decided protest against that paragraph in the Speech of her Majesty's Ministers. He felt also obliged to complain that no allusion had been made in the Speech to the situation in which the loyal population of that country was placed. The only mention made of unfortunate Ireland was to give more power to those who had ever been opposed to her Majesty's loyal subjects. There never was an opening of Parliament in which the public mind was so excited with regard to the Speech from the Throne. He did not know how it would be received in this country, but he was certain that it would be received with surprise and indignation by the Protestants of Ireland, and not by them alone, but by many loyal Catholic subjects of this country, because no mention was made of the situation in which they were now placed. He trusted the subject would be taken up by some noble Lord, but if not, he would feel it his duty to bring it under their Lordships' attention.

Viscount *Melbourne:* My Lords, though no mention was made in the Speech from the Throne of the laws regulating the importation of foreign corn, or of several other topics which were introduced by the noble Lords who opened this debate, yet I cannot think it in any degree unnatural, considering the nature of the present discussion, which takes a general review of the present circumstances of the country, I say I cannot think it in any respect unnatural or improper, on the part of those noble Lords, to have entered upon those topics, and to have stated their opinions respecting them—and when they had thus stated their opinions—their views on these questions—when they had brought them forward as fit matter for discussion, it was also extremely natural and indeed unavoidable, that other noble Lords should also express their opinions respecting them. For myself, I should have been inclined to have pursued the prudent course of the noble Duke opposite, and have abstained from touching upon these topics, had it not been for the observation of the noble Lord opposite, who stated his belief, that the noble Mover and Seconder would not have introduced their sentiments upon the Corn-laws, had these not been previously known and sanctioned by the administration, as an administration, and as Members of Parliament. Now, the Corn-laws had been, ever since the formation of the present Government, an entirely open question—a question on which all the various members of the administration had formed their own distinct opinions, and have ever acted according to those opinions. Unquestionably, my Lords, I believe that the majority of these gentlemen are favourable to a change in the present system, but if the noble Lord infers his opinion from the Speech which has been heard from the Throne, I beg leave to tell him that he infers that opinion erroneously. I am not willing to go into any debate on the Corn-laws on the present occasion, I wish to avoid it, but I have no reluctance to state my individual opinion on the Corn-laws; and this, my Lords, is that which I stated in the few observations which I made last year; observations which attracted considerable notice, more of course from the eminent station which the individual who delivered them happened to possess, than from any intrinsic force of their own. The opinion, my Lords, which I then expressed, and to which I now distinctly adhere, is that though I am not prepared to pledge or bind myself to the maintenance of the present system as the best possible, I am not at the same time prepared, either as a member of the Government, or as a Member of Parliament, to pledge myself from any information which I have, to a change or alteration of the law as it stands. The noble Duke opposite has gone very distinctly and clearly through all the topics of the Royal Speech, and has made many observations in which I quite concur; but he has at the same time made several observations which I think hardly fair, hardly just. The noble Duke says, that as far as he knows of it, he approves of the conduct which has been pursued in reference to the dispute between Holland and Belgium, and of the definitive treaty of peace, which has been prepared for the acceptance of both parties, and the noble Duke added his hope, that it would not be forgotten, that the independence of Belgium, her separate existence from Holland, is bound up with the condition, that while she is protected from aggression herself, she should be kept from committing aggression on others. My Lords, I quite agree in the justice of this condition, and the noble Duke may be sure it will not be lost sight of. In reference to the noble Duke's observation regarding the treaty with Austria, I may point out to him, and to the House, that the free navigation of the Danube is a material exception to what was the state of things under the former treaty. With reference to the great affairs of the Oriental empire, to all the important measurses which are being taken in the East, I trust the House will adopt the expectation of the noble Duke, and suspend their judgment on these matters till we have full information and knowledge of all the various circumstances, and of the principles on which the operations have been conducted. The Address on the Speech has been so framed, as to call on no Member of the House for a decided opinion on the subject. Everybody knows the magnitude of the question, the danger, the difficulty, and delicacy of its position, and I do hope, with the noble Duke, that the House will not proceed to consider the question till it is in possession of full information on the subject, and that then it will be debated with the utmost calmness and impartiality. Some observations have been made in reference to the wording of the passage respecting municipal corporations in Ireland, and two noble Lords have declared, that in voting for the Address, they do not pledge themselves to the adoption of any measure which may be introduced on that subject. Undoubtedly some other phrase might have been chosen than that of "absolutely essential," but, at the same time it is unquestionable, that in voting for the Address, no one necessarily votes for any particular measure, or expresses an opinion beyond that of declaring the question to be one of great importance, well worthy the consideration of the House, and consequently in voting for that paragraph of the Address, no one involves himself in any pledge on the subject. The measures which it is intended to introduce for the more speedy enforcement of law and justice throughout the country, the various measures intended for giving greater vigour to petty sessions and police, and generally strengthening the execution of the law in its inferior branches, throughout both the rural and urban districts of the country, have been referred to in general phrases, for the purpose of enabling Parliament to introduce general measures. In reference to another subject, it is well known that great changes have taken place in the negro population of our West Indian colonies, and there are changes which will necessarily require other great changes to be made in order to secure the full advantages of those already effected, and to render the state of society in those parts of the empire safe, and likely to be beneficial. In alluding to another part of the Speech, the subject of which it is impossible to regard without considerable uneasiness and vexation—I refer to the state of Canada—the noble Duke, while he appears to approve of the tone of that part of the Speech, expressing as it does her Majesty's determination to uphold her sovereignty in that quarter, states that he could have wished to have seen some corresponding measures of vigour adopted by the Government, in order to carry that determination into effective operation. It is quite clear that a state of things does exist on the North American frontier greatly to be deplored; yet, when we remember the disposition exhibited by the various states there to interfere with each other's affairs, and the tendency to private warfare with each other, not greatly to be wondered at. When, however, the noble Duke so strongly expresses his regret at not seeing a vigorous demonstration made in our Canadian province, in order to enable our subjects there to repel thé outrageous aggressions upon them, I am somewhat at a loss to understand what he has to complain of in this respect. There is, in that country, a very large regular establishment, besides a very considerable militia force, together forming an army powerful enough to laugh to scorn any attempt which may be made by the sympathisers. When, however, we consider the character of the country, its innumerable and extensive lakes, forests, morasses, it would be quite impossible to keep up such a force as utterly to prevent all sudden aggressions and predatory excursions. Therefore I know not, with reference to this province itself, what stronger measure you could adopt; but, with respect to the government of the United States, I agree with the noble Duke that every means should be taken to do that which it is the duty of every Government to do, namely to keep its subjects within its own frontiers, and prevent bodies of men, the subjects of one state, making attacks on their neighbours in another. There is no reason, I apprehend, to doubt the sincerity of the government of the United States as to its wish to carry into effect the stipulations binding on it as regards its duties to its neighbours; but, considering the nature of the country—considering the vast extent of the frontier—considering the comparative wildness of those districts—and also considering the character of the Government—it must be admitted, that it has serious difficulties to contend with in carrying this object into effect. Every exertion, however, has been used, and every representation has been made, in order to induce the government of the United States to exert itself for this object. I, therefore, trust that these exertions will be successful, and, above all, when it is known what has been the result in our provinces, where every attempt that has been made at invasion has been completely discomfited. I trust, therefore, that an end will be put to this wild spirit, which is as dangerous to their neighbours as it is discreditable to those citizens of the United States. The noble Duke concluded his speech by remarking on the last paragraph of her Majesty's Speech, in which allusion is made to the large meetings that have been held in various parts of the country, of a most lawless and dangerous character—meetings held by night, and at seasons the most favourable for disorder and for the concealment of crime—meetings where excitements were held out to the commission of the most criminal offences, and even to murder. At these meetings language of the utmost violence was used with the view of creating intimidation, and exciting the populace to acts of violence. The noble Duke said, that while the people were exhorted and admonished in her Majesty's Speech to abstain from such proceedings, they had been recommended by a noble Friend of mine, one of the Secretaries of State, to take part in other public meetings, and that he had recommended them to take part in public discussions. Perhaps I am not so precisely informed on the subject as the noble Duke, nor with the same accuracy as to the language which fell from my noble Friend on the occasion alluded to; but if I am not much mistaken, it was something in favour of public discussion, holding as my noble Friend does, meetings for public discussions to be highly advantageous and useful; but I am sure that nothing could fall from my noble Friend that could in any way justify the language which has been used at such meetings as have been alluded to in her Majesty's Speech. The noble Duke also said, that an hon. Gentleman, high in the confidence of the Government, had been allowed to go about the country exciting the people for various objects, and, among other things, threatening to raise two millions of men. I suppose the noble Duke alluded to the hon. Member for Dublin, although I confess I should not have recognised him very readily under the description given by the noble Duke. If that Gentleman, however, is not in the confidence of the Government, it would appear, at any rate, that the Government possessed that Gentleman's confidence. The noble Duke, I presume, alluded to the Precursor Society. I beg to state, that I disapprove, as much as the noble Duke, of the existence of this or similar associations. I never approved of the existence of the Catholic Association, nor of its proceedings, nor of any similar bodies, in all their shapes and phases, as I conceived them calculated to supersede the authority of the law. I never did, nor do I now approve of such bodies; and certainly my opinion has undergone no change on this subject. But I do not hold that the Precursor Society should be regarded in the same point of view as bodies that exist in this country. The same extreme and violent language is not used in this society as at the meetings in the north of England, in which districts the adoption of murder and fire, and all kinds of violence and intimidation, have been suggested and recommended. The noble Duke said, that that Gentleman stated, that he could raise two millions of men. I presume that he meant by this to declare that he could get two millions of men to give a shilling a-piece for the purpose of becoming precursors. I therefore really think, that the observations of the noble Duke were hardly justifiable in confounding two things really and essentially different. I conceive that there is a fair right to consider public affairs at meetings, provided this is done calmly and fairly; but I do not consider that public meetings should be sanctioned, when there are encouragements to massacre, and violence, and outrage. But under all the circumstances of the case, I am extremely satisfied to find that there will be unanimity in the vote we shall give to-night. Having made these observations on what fell from the noble Duke, I will not trespass longer on the time of your Lordships.

Lord *Brougham* assured their Lordships, that it gave him unfeigned satisfaction that nothing was to be found, either in the Speech from the Throne or in the manner in which all their Lordships, save the noble Mover, had handled the great subjects contained in it, that called for any material difference of opinion, or that was likely to interrupt the harmony of debate on an occasion on which courtesy to the Crown enjoined all possible forbearance, and begot in all, strong as their opinions might be at other times, a disposition to consider the Address as an act of courtesy on the part of the House in return to an act of courtesy on behalf of the Crown, and to treat it as a measure which pledged them to nothing except that the matters contained in it were worthy the serious consideration of their Lordships, rather than as an act of well matured and deliberate policy. He should not raise any question on the Address, regarding it, as all experience proved it to be, an occasion rather for joining in an act of courtesy, than pledging themselves to any one substantive proposition. But both the Mover and Seconder of the Address, had referred to several topics, which, with the exception of one single allusion to himself personally, he would dismiss with this observation, that they were marked by a curious infelicity in the selection of all the topics which ought, with proper judgment and delicacy, to have been least noticed, and with a parallel infelicity in omitting the mention of all those topics on which the Speech ought to have touched, but did not, as he should presently have occasion to illustrate by one or two examples. What the noble Seconder of the Address had said with reference to his connexion with the subject of national education, thereby supplying one of the omissions in the Speech, but which he, preferring one paragraph in the Queen's Speech to two in any noble Mover's or Seconder's speech at any time, regretted it had not, as he wished it had been, found there—what his noble Friend had said in reference to that subject he was fully justified in saying, and he would not frustrate the hope which had been expressed, that he would be ready at all times to redeem the pledges he had given to their Lordships and the country in behalf of any reasonable, soundly-principled, justly-contrived, practical plan of national education; and that no personal motive, as he called it, and no party motive, would ever make him swerve from the course he had ever holden on that great question, only taking leave to add his lamentation, which his noble Friend had omitted in his speech, that that Address did not contain some paragraph pledging their Lordships to the adoption of some practical measure on the subject, which he, notwithstanding personal, notwithstanding party considerations, should then have been too ready, too happy, too delighted, to have supported, provided it were framed, bottomed, and propounded on those sound and liberal principles to which he had alluded. And now with respect to one, the only matter on which he differed on the present occasion from the noble Duke (Wellington)—he meant the conduct of certain parties in the United States on the frontier of Canada. He purposely abstained from all observation on the question of Canada; he abstained from it, not because he agreed in the observations of the noble Mover of the Address upon that subject, the sort of lecture which, in passing, his noble Friend had read to their Lordships, the other House of Parliament, and the Crown, on account of a measure which was passed last Session by Queen, Lords, and Commons; but upon that he would say nothing, because his noble Friend, the last Governor of Canada, had that night most manfully, and in a manner which, in his opinion, did him the highest honour, testified his anxious and most natural and justifiable earnestness and even impatience of every hour that passed over his head, until that question had been brought in his presence before their Lordships. He reserved what he had to say upon the general question to that occasion, which would be the proper time for the discussion. But the noble Duke made a remark to which he could not avoid adverting, because he did not think the noble Viscount who spoke last was sufficiently aware of the grounds on which the noble Duke put the question, and the failure of his argument, which seemed to him, with all respect, to be complete in that point of view. "Why," said the noble Duke, "did not the American Government interfere along that widely-extended, barren, uninhabited, and, in many respects, uncultivated, frontier, to prevent individuals passing over under the influence of political opinions, or worse motives, in order to commit predatory, or aid in rebellious, expeditions?" The noble Duke, as appeared to him, in a great degree answered himself; for he said, "let me tell the Government, that if such expeditions from the United States across the Canadian frontier continue, if such a predatory or political system of interference is persevered in, all the power of the English Government in Canada will not avail to prevent retaliatory measures by the subjects of Canada on those of the United States." But if all the power of a government much more solidly established—a government with much better means of repressing such proceedings—a government much more vigorous than that of a republic like the United States could be supposed to be—if an established government, with 12,000 regular troops, besides militia, backed too by the great mass of the people, was unable to prevent such incursions, what could Mr. President Van Buren be expected to accomplish with no such means, with an equally extended frontier, with a people not taking part with him to repress such incursions, but sympathising with them, having no standing army and no regular militia, when we professed that our own Government, much more vigorous, much better armed, having a standing army, a regular militia, a much better force at home and abroad, could not prevent reprisals? But then it might be said, it would be just to make reprisals on the one hand, while the predatory incursions on the other were lawless and unjustifiable. The difficulty of prevention, however, was not in proportion to the injustice of the aggression or the badness of the cause, but in proportion to the intensity of the motives of the sympathisers; and whether the motive was plunder or political sympathy did not in any degree alter the question. He rejoiced in the harmony which prevailed between this country and America. He looked on the continuance of peace between those two countries as of the utmost possible importance to England, as well as to America—to the peace, civilization, and happiness of the whole world; and putting into one scale the continuance of those pacific dispositions, the uninterrupted endurance of that unbroken harmony, and into the other the whole value of all the Canadian possessions of the Crown put together—if he held the balance, the latter would kick the beam. Having stated the only ground on which it was his fortune to differ from the noble Duke, he must express his entire concurrence in the other observations which had fallen from him. At the same time he hoped and trusted the noble Duke had been misinformed as to what a noble Friend of his was supposed to have said at Liverpool. Perhaps it was not very prudent for a Secretary of State for the Home Department to say anything about the propriety of the people holding large meetings; but he was morally certain that his noble Friend had not said anything by way of countenancing disorderly or rebellious meetings; he had read the words: his noble Friend said, it had always been the characteristic of a Whig Government, as it was of the present, rather to allow the people the power of meeting in a legal and peaceable manner for the purpose of temperate discussion,—he believed the word "temperate" was used; and the other word "legal," as used on such occasions, clearly meant, not only that nothing illegal, but that nothing violent, nothing very strong, should take place at those meetings; and further, to show that he did not mean to extend his permission beyond the letter of the law, within twenty-four hours of the time he learned the fact of the torchlight meetings, his noble Friend issued a proclamation to put them down. Some observations had been made on that part of the Speech which related to our policy in India. He hoped no great time would elapse before that important question was brought under the consideration of the House. He was unwilling to anticipate that necessary discussion. He was aware of the difficulty and complexity of the question. He was also aware that the present Government in India, stood in a peculiar position. If he mistook not, one important branch of its conduct had not been fortunate enough to meet with the approval of the authorities at home. [Viscount *Melbourne.*—Yes, yes.] He was sorry to hear it. He must then transfer his blame from the authorities in India to the authorities at home. He had hoped that the rumours which were so extensively circulated, and which had been referred to, if he mistook not, by his right hon. Friend, the President of the Board of Controul, last summer, as being well founded—he meant that most culpable proceeding of the Calcutta Government with respect to Oude.

Viscount *Melbourne.*—Oh! as to that, you are quite right.

Lord *Brougham* would then re-transfer his blame from the authorities at home to those in India; he would leave his blame there. But it was placing our Government in India in a very peculiar situation, leaving it in the hands of those whose most important act from the beginning of their administration to the present hour, had been so blamed, as to be formally repudiated by the authorities at home; for the treaty was refused ratification; it could only be refused ratification for having been disapproved of, and it was disapproved of, in his judgment, most wisely and justly, as a treaty that brought dishonour on the English name in India. In these circumstances, and armed with all the power over public opinion in India, which a dissavowed, disclaimed government, might possess in that country, it fell to the lot, unhappily, of that government, whether necessarily or unavoidably, to carry on one of the most large, extensive operations, both of policy and of war, which he would venture to say, from the days of Lord Clive—from the time when the fate of their eastern empire depended on the battle of Assye, had never been contemplated, promulgated, or executed by any English statesman in India. He said nothing now of the capture of the Island of Karack, in the Persian Gulf; he said nothing now of the negociation with the Afghanistan Princes, on the violation of which that capture was effected—of these things, he said nothing, nor would he be carried into an argument on that singular process of reasoning, by which an Indian Government thought itself justified in avowing in a proclamation to all the world, containing, he admitted, a most candid statement of the motives, views, and arguments on which their policy was framed, and the reasoning or the misreasoning, the contempt of all colour of argument by which in this way a conclusion was arrived at—that because the King of Persia did something they did not like, therefore, they would march an army to dethrone the King of Cabul. Of all these things he said nothing. He did not advert to the history of Cabul—to the kind of man now about to be set up—a pretender—a mendicant pensioner on our charity.—a man twice dethroned, because he was hateful to his people in Cabul, and their only reason for preferring him to Dost Mahomed, now on the throne, and whom our own envoy, Sir John Burnes, declared in his dispatches to be a wise, able, and politic Prince—their only reason for preferring him, being, that the one was the legitimate Sovereign of right, and the other only the popular Sovereign, whom the people preferred—so different were the principles of their foreign policy, on this side of the Cape, recognizing particular Sovereigns, because they were the choice of the people, in preference to others who were not the choice of the people, but, having a legitimate character, were expelled by the people. The empire of India was founded on opinion — that had been said again and again, until it had become a byword and a proverb of Indian policy; but, believe him, it meant nothing but the opinion—1st, that they governed there better for the people themselves, which he freely admitted had been the case up to the present hour; 2nd, that they governed justly as regarded their foreign relations with the native princes, which he could not admit; and lastly, the opinion of their power and force; he hoped in God, that opinion would not now be weakened by its being found that they had marched 600 miles to the north-west of India on a speculation of dethroning one king and putting another in his room, all that force, that body of actual, effective, substantive power, in the opinion of which they held their eastern dominions. There was a resolution of Parliament; it was incorporated in a statute, and that resolution, and the exigency of that statute, he greatly feared would not be found to be violated on the present occasion; it declared it to to be against the wishes, policy, and honour of England, to extend our conquest in India. They need not be afraid that the present proceeding would violate that resolution, or break that statutory enactment; they need not fear the wish of the public would be thwarted, or the policy of the country counteracted, or the honour of the country tarnished in the present instance, by any extension of our Indian dominions; whether those Indian dominions would be reduced in extent, in consequence of those wild, wide, unintelligible operations, which they would have a better opportunity of afterwards discussing when they could see more than they now saw—always reminding their Lordships that he was now giving the Indian Government great fair play, for he was observing only, he was deciding, if he decided at all, only on their own case—he had seen no other—he made no attack—all he was in possession of was their own manifesto, giving a full, candid, and, he had no doubt, honest exposition of their motives and plans. He came now to say a word or two with respect to our western settlements; and here he would heartily join in all that had been said respecting the conduct of the colonies in emancipating their slaves; but among the omissions in the Speech, which he had in vain listened to from the Mover and Seconder of the Address, which he had in vain listened for, was one very remarkable one, and that was in alluding to what the West Indies had done, no reference had been made to what the Mauritius had not done. Why had there been no mention of that in the Speech? Any man, not acquainted with the subject, would be led to believe that all the West-Indian colonies had emancipated their slaves; but here was the Mauritius, a Crown colony, containing about 80,000 or 90,000 slaves, without any legislature, and the Mauritius had done absolutely nothing. How stood the case with respect to the Mauritius? If there were ten reasons in Jamaica for emancipating the slaves before their time, there were ten thousand reasons in the Mauritius why that should be done, because in Jamaica there was a sort of title to the slaves, every holder of an estate having a right to possess them; but 30,000 of the 80,000, as was stated by Sir George Murray, and he knew that it had been underrated by 10,000, or perhaps 20,000 had been carried to the Mauritius since the abolition of the slave trade, and each of these slaves was there by no legal title, but by a title derived from a commission of a capital felony. Was ever so strong a case made out for insisting upon the emancipation of the 80,000 slaves. Suppose a jury of twelve men had been impanelled to try whether six men had, or had not been guilty of a capital felony, and that evidence was incomplete, did any man say that the jury would not, at once, acquit the whole six on the well-known principle, that it was better that these guilty men should escape, than that one innocent man should suffer? Was it not better, then, that the whole 80,000 should be liberated than that those among them who were free men, and as much entitled to their liberty as any of their Lordships, should be detained two years in bondage. My Lords, said the noble and learned Lord, I will give notice, perhaps irregularly, that if some satisfactory explanation is not given of this omission in the Speech, in a few days, I shall urge upon the House the necessity of adopting a wise and just policy towards our West-Indian colonies, not to say the Mauritius, in order that justice may be done not merely to the slaves, but the colonies, which have behaved so admirably. Now, my Lords, I say one word on that, to which the noble Duke referred, and to which I have already incidentally adverted, the meetings and the supposed illegal proceedings in Lancashire, &c. My Lords, I believe that the speakers, rather than the Speech, or the Address, have somewhat exaggerated the extent of those disturbances: but I am far from saying that no ground exists for the observations made upon them. That speeches criminal, not to say insane, have been uttered by parties now in imprisonment or going to be tried for misdemeanours, is undeniable; but my Lords, it is equally true that these are not the only parts of the empire in which illegal speeches have been made—in which lawless excitement has been tried—on an exciteable race of people—a people, many of whom we find are so ignorant, that they do not form their opinions for themselves, but suffer other men to think for them—who act as though they were positive—I can say no less, as if the motive which set their hands in motion to commit crimes hateful in the sight of God and man—not by any motive residing in their own bosoms, but by some base, or sordid, or fanatical, or rebellious—I care not what—but by some form of illegal and immoral interest or wish, residing in the bosoms of other men, and communicated by those other men through their lips, and instilled into the ears of their reckless mechanical puppets. My Lords, it is a shocking thing, that in the nineteenth century, and towards the middle of it—that in a civilised country—a land that boasts of its police and its constitution—of its regular system of laws, and above all, of its admirable administration of justice—that in a christian country, under these circumstances, blessed with such institutions, human life seems no more to be regarded than mere animals or chattels—and human blood seems to be poured out as water upon the land—where any set of men may have an interest, or supposed interest, or desire to make the sacrifice. My Lords, I well remember asking a high law authority in that country, whether mortal man ever saw such a state of things in any country calling itself civilised, as that of a country where any one who is rich enough to give 20*l.* to another may have his enemy's life taken away? To which he added—"provided he be also not only rich enough, but extravagant enough, to give 20*l.* for what he could get done for 20*s.*" My Lords, is it not monstrous—and can it be denied? Have we not seen it proved on oath, notwithstanding all the impediments which beset witnesses, so that we have not only to grant a sum of money, but an annuity, that he may expatriate himself to Constantinople, or to Algiers, or to Herat, or to some other land, where human life is more valued than in his own? Notwithstanding all these difficulties, we have had it proved within the last month, that when it was resolved by persons minded to kill two individuals, that one should kill the man, and the other the woman, an objection was made, not to the criminality—not to the foul and hideous crime of murder, but that the person on whom the lot had fallen to kill the woman happened to have some conviction, that it was more convenient that he should kill the man, so he changed the parts, and both the man and the woman were murdered. And yet, my Lords, to my infinite astonishment, I have heard the Crown lawyers who conducted the prosecution, congratulate themselves and the country that the charges of conspiracy had been disproved—that there existed no "extensive" conspiracy in that part of the United Kingdom. My Lords, I know not what that learned person meant by "extensive" conspiracy, and I care not; but this I do know, that the state of society in that part of Ireland—I go no further—is such, that murder is spoken of, tried, ordered, discussed, agreed to be done, compassed, and perpetrated in a way which I defy you to find a match for, I had almost said in the centre of the African desert. And, my Lords, while these examples of criminal justice were actually being made, an amiable, a respected nobleman, an admirable member of society, beloved by those about him, endeared even to the bulk of his tenantry by his conduct as a landlord—is murdered—is shot at, as a beast, from behind a hedge, and no more idea seems to be entertained of discovering who did the deed, than if it were physically impossible to trace the steps of the assassin. My Lords, I cannot help asking whether all can be well in the administration of the law and police in a country where such shocking—such revolting scenes take place—and where the most impudent audacity—the most enormous effrontry, coupled with the blackest malignity, endeavours to turn suspicion from the real assassin, and to fix it upon one in whom, bad as the crime would be, in whoever did it—on one in whom the deed would have been a crime of incalculably blacker dye—and would almost curdle one's blood in one's veins. This is the last effort of factious and desperate audacity—of profligate falsehood—of an unprincipled and malignant nature. This last crowns the whole; and I devotedly hope that justice be done, if not upon the murderer, at least upon those who only yield in infamy to the assassin of the father—I mean the assassin of the reputation of the son. They little know what Englishmen are made of, they little know what English blood boils in English veins who fancy that all their influence with the Government can protect them, if they show their faces in this country, from universal execration and horror. My Lords, that there has been less of political agitation than of what is called—by a convenient distribution of the subject—"Agrarian" outrages, I am ready to admit, but have we not had political agitation, and the noble Viscount—with his usual good humour, with which he often succeeds in involving serious and important subjects in a momentary pleasantry—the noble Viscount, adverting to what the noble Duke had referred to, as a person supposed to be very high in the confidence of her Majesty's Government—the noble Viscount said he did not know of it; that was a very ungrateful return. However, if he did not know it, he soon discovered it, for he directly said, perhaps the noble Duke referred to the Member for Dublin. I should not wonder if he did. Oh, but says the noble Viscount, he is not in our confidence at all, I am not in his confidence—there's a deal of love lost between us—we don't like him—we have a great contempt for him—we have no confidence in him—we think him a man not to be trusted in the slightest degree—of course we never offered to make him the second judge in Ireland; but if we did, we had no confidence in him—though it is certainly considered a great mark of confidence on this side of the water—and my noble and learned Friend opposite (Lord Lyndhurst) would have thought it very strange to be told that the Government of which he was a Member, showed their distrust of him by making him Master of the Rolls; and possibly Ministers wished to show greater distrust of the individual I am alluding to by making him Chief Justice of the Queen's Bench in Ireland, for by the rule of three, if the Mastership of the Rolls shows distrust, the Chief Justiceship of the Queen's Bench shows more distrust. All this is very pleasant, taking it upon the footing of drollery, on which the noble Viscount put it. But, now, just see what's going to happen in consequence of all this—the rev. Mr. Stephens is going to be tried, and for that reason I abstain from saying a word as to his offence; but I know how important it is—God forbid I should say that any one should be convicted—but that the law should have its course; that if he be guilty, he should be found guilty; that if he be innocent, he be acquitted. God send him a just deliverance; but it is not always that men are tried upon the merits of their case. An ingenious counsel—and no counsel could be found more ingenious than the one selected by Mr. Stevens—does not apply himself to the issue of guilty or not guilty but to topics that will tell in the minds of the jury—and juries lend their ears to such topics. And, my Lords, how does it happen that the arm of the law, so omnipotent in Lancashire as to arrest any man who makes a seditious speech, drops paralyzed on the other side of the channel. The counsel for the defendant will say, how is it that the man escapes who talked about 2,000,000 petitioners approaching the Queen, all loyal subjects, but "fighting men" and such topics would influence the jury, and they have influenced many who are not jurymen—and I think I may ask her Majesty's Ministers whether they have any confidence in those individuals in Ireland, and whether they will, I will not say use strong language, that would be dangerous, that might risk some votes, but whether they will use their influence humbly to intreat these individuals who have such confidence in them to abstain from a course productive of such pernicious results. My Lords, I have discharged my duty, and a painful duty it was, and the more so because I have long taken part with those very individuals, and, therefore, I feel the more bound when I see them transgressing all law, and hoping to be countenanced, and being countenanced by those who have no confidence in them, though they do show them some favour; to persuade them to desist from such proceedings, and I have discharged my mind of that heavy load which I have felt pressing upon it ever since I heard of the murder of Lord Norbury, and the horrors of the Tipperary Special Commission. My Lords, it cannot be said that Lord John Russell or the Government are reluctant to put down turbulence and lawlessness; for though the individual to whom I have referred has stigmatised Lord Grey and Lord Brougham as the most unprincipled Ministers of the country, because they passed the Coercion Bill, and lauded the noble Viscount (Melbourne) as having resisted that bill, when, in fact, the bill was the bill of the noble Viscount, who was at the head of the Home Department; but then there is this difference—and an important difference it is—that Lords Brougham and Grey cannot make men judges now, and, therefore, we are the most unprincipled of politicians; and, therefore, the noble Viscount is most fit to be trusted; and so much to be trusted that they lavish their confidence on him who rejects it with a sneer, and who says, "You may confide in me as much as you please, it is no matter, you are better known than trusted, I am more trusted than known." I have a right to say that because the party who trusts is in a state of gross ignorance; he says the noble Viscount was no friend of the Coercion Bill, although it was his own measure. Now, my Lords, the last, and I am sure I am glad to be able to say the last, of these matters which have been brought before us refers to the subject of the Corn-laws; and as I have a petition to present to your Lordships, of which I shall give immediate notice of bringing it on, I purposely abstain from any argument on either side of the question. I think this would be the most unseasonable time, and the most awkward of places in which to introduce it. But, my Lords, some things must appear—on Movers' and in the Seconders' Addresses, and in the omission in the Speech which make it an imperative duty for me to give you my ideas upon one matter connected with it. The noble Viscount said that he remained of precisely the opinion of which he was last Session, and then repeated, what he doubtless thought, was what he said last Session. I, being for the abolition of the Corn-laws, rejoice to hear him give that gloss, for it was very different: all he says to-night is, I won't pledge myself to bring in a bill to repeal the Corn-laws. I think he pledged himself last Session to resist any repeal. Now that is one step towards it; and I hope the next step he takes will be the easier and cheaper step of giving me his support when I make my motion. But there was one thing said by the noble Viscount last Session which I know had very great influence on certain parties. He said, I will resist any alteration of the Corn-laws, unless I find that the people of this country call out for the repeal, I think that was what he said—whether it was very prudent for a person in his situation to say so, is another thing—I rejoice that he did state it, because I, being for the repeal of the Corn-laws, and having a very great disposition to see (I hope not anything like agitation in a bad sense)—but to see the people meet peaceably, and express their opinions in such a way as deserves attention—felt convinced that that observation would have a very considerable effect in creating more proceedings. My noble Friend's (the Secretary of the Home Department) letter has had another effect; but now comes that which alone makes me broach this subject, first premising, as I pass, that there has been undoubtedly a very great misstatement of my speech in 1827 on that subject, and I have been quoted as if I had been for a protective duty. Now the speech made then was distinctly against any such protection. I said at the beginning of it, "I have no objection to give you whatever protection you are entitled to." I was listened to by the landed Gentlemen when I said that—to that they confined their attention; but I went on to say, "I will show you now what sort of protection you are entitled to." I then went through the whole items, and proved, that they had more protection by the freight and insurance of the voyage, than they had the slightest pretence to say the taxes gave them any title to. That might be a very bad argument, but I spoke for three-quarters of an hour in the greatest noise I ever heard in any place. My noble Friend was then in the other House as Chancellor of the Exchequer. I could compare it to nothing else but being on the deck of a ship in a storm. I could not hear what I said myself, and therefore you may imagine what my wonder was how any reporters could catch even a word that I said. However, I found an account of my speech reported. In the midst of all this noise I was going on to show, they had no right to any protection at all. What brings it to my recollection is, that I remember saying, I was exposed to the *land* storm, and that it was with great difficulty I could make myself heard. I have taken, my Lords, the earliest opportunity of touching upon this question, because this is the first time I ever heard it said a subject of this sort could be considered what in technical terms is called an open question. My Lords, I know there have at different times, and in different Governments, been what are called open questions; and I know there have been examples (the Slave trade and the Catholic Question are two) of Governments who having opinions upon every other subject, have lost the functions of rulers by declaring, that on this subject they had none. Is the experience of those two questions, are the results of this experience such as to tempt you to look with favour to a practice which is inconsistent with principle, which is subversive of honesty—which means, I have opinions, but I will not act upon them; which means, I have principles, but I prefer my interests; which means, I admit, as who does not frankly admit, that upon unimportant particulars—upon the details of important questions even, the most honourable and well-principled men may compromise and modify, and surrender their opinion for the sake of unanimity upon things of greater weight and moment—but, my Lords, I now speak upon those *ardua regna*, upon those greater interests of the Crown Ecclesiastical Establishments—the administration of justice—our law reforms — Parliamentary reform — aye, my Lords, and upon such questions as the Corn-laws, which is one of the greatest and the most important, and the most interesting, which can divide the Parliament, or distract the community. It is upon those questions alone opinions are to be formed; and by whom? By the very mèn who of all others are the most imperatively bound, by every consideration of honour and of duty, to form an opinion, and upon that opinion to act. Why do one set of men league together as a party? Why do one party assume to govern the country rather than another? Why, but that they are knit together by community of sentiment upon great public questions. "*Idem sentire de republica*," has been in all times, and among the best of statesmen, a bond of union, fair, intelligible, honourable, conductive to the common weal. It is grounded on honest principle; reared in virtuous conduct; supporting the public good. But there is another bond of union formed of a baser material, a tie that knits together far other natures—the "*Eadem velle atque nolle*," and of this it has been known and been said, "*ea demum inter malos est firma amicitia*." The abandonment of all opinions, the sacrifice of every sentiment; the preference of sordid interest to honest principle, the utter abdication of the power to act as conscience dictates, and sense of duty commands—such is the vile dross of which the links are made that bind profligate men together in a confederacy to seek their own interests at the expense of every duty—and that is the literal meaning of "open questions." It is that each has his known and recorded opinions, but that each is willing to sacrifice them rather than break up the Government to which all belong. The "*velle*" is to keep in office; the "*nolle*" to keep out all antagonists; and none dare speak his mind in his official capacity, without losing the *firmitas amicitiæ*, by shaking the foundations of the Government. The constitution of this country is ignorant of, and if it knew it would abhor such a principle. These are subjects on which I may be right and you wrong, or on which you may be right and I may be wrong; but at all events no man can think otherwise that has formed an opinion upon important questions like this. If they are for the public benefit, the people have a right to the support of the Government upon them: if they are for the public detriment, the people have an indefeasible sacred right to the help of the Government to resist them, and to resist them as a Government — not one man on the treasury bench answering another, as I long saw with shame and disgust upon the Catholic question—not by men getting up and answering one another, one for it, another against it, and leaving the whole case to its fate; and you see what has become of it—that it was granted at last after the agitation had become too great to let it produce its good effects. These are my reasons for not being able to endure the name of what is called an open question. My Lords, I have deemed it my duty to state fully and frankly the opinions which I have long held and expressed elsewhere as well as here upon this subject, and as it was the first time I heard the matter avowed, and in terms broached before your Lordship, I have taken the first opportunity of entering my protest against it. I thank your Lordships for enduring the length of these observations, and now think it my bounden duty to abstain from any further remark.

The Marquis of *Lansdowne* did not intend to follow the example of the noble and learned Lord, by protracting this debate. The noble Lord had gone far beyond the example set by the noble Lords who had moved and seconded the Address, in introducing other topics and further comments, which, with great respect for the eloquence with which they were introduced,—listened to as they had been with delight and amusement by all the House, and with great rapture, no doubt by many of the noble Lords opposite,—he thought himself justified in passing over this evening, because they almost all invariably related to subjects which had been the subject of notice in this House as practical questions hereafter, or were topics upon which it had been announced that papers and communications would be laid before the House at no distant period. But avoiding all these topics, there was one which might be liable to much misapprehension, if the observations of the noble and learned Lord remained unnoticed, and he therefore deemed it indispensably necessary to say a few words. He understood his noble and learned Friend to suppose, that the policy of the government of India during the last year, was a policy which his Majesty's Government were not prepared to support. Now in justice to his noble Friend at the head of the government of India, but still more in justice to the interests of that empire, which he had administered with such honour to himself, he wished distinctly to state, that to every word of that noble Lord's manifesto (as the noble and learned Lord had called it), but of his exposition of the motives of the policy of the government of India as there published to the world, her Majesty's Government were parties, as far as they could be made parties, not only by adopting the conduct there announced, but by applauding the wisdom, and, he would add, beyond the wisdom, the justice, with reference to the interests of the Indian empire, of the course which had been there pursued. He would not go into these transactions now, but this he would state, adopting the test laid down by his noble Friend, that the empire of India was an empire of opinion; when that discussion came to be entertained in that House, he would ask it to determine, whether the empire, as founded upon opinion, was not sounder and safer than at any former time. He had risen simply to make these observations in order that no misapprehension might go forth to the country upon the subject. Many of the other topics to which his noble Friend had alluded he considered it unnecessary to advert to; he had, however, alluded to the state of Ireland, and their Lordships might perhaps expect, that he should say something upon that subject. No one viewed with more horror than he did the crime that had been committed in that country, but it was not because particular parts of that country were stained by the commission of crimes such as had been adverted to, that it was to be said, that the peace of Ireland was in danger, or that any charge should be brought forward against the governor of that country. It was painful for him to advert to the crimes that had taken place in Ireland long since; but the very first year he landed there, the part of the country in which he resided was stained with the commission of crime little less atrocious than the one that had been adverted to. A most amiable magistrate had been murdered. The murderer was never discovered, but at that time it was not thought that the Government was to blame with respect to that particular act and the other acts that had taken place in Ireland; no vigilance or energy was wanting upon the part of the local government in expressing their detestation of the atrocity of the deed, or in their attempts to bring the individual who had committed it to punishment. His noble and learned Friend had spoken about the seditious language that had been used in Ireland. He would put it to him whether it was not far better to take no notice of it than to prosecute the party. The public policy and justice of the country in his opinion, did not require that it should be made the subject of public prosecution, and he trusted that his noble Friend would give credit to those who had abstained from prosecuting, on the ground that if they had done so, it would only be the means of increasing the criminality which it was the object of all Government to repress. The Government, of which his noble and learned Friend was a member had abstained from such prosecution, and it was in the deliberate exercise of their judgment, that the present Government had acted as they had done. He denied, therefore, that they were to be charged with remissness for the course they had adopted. On the part of the Government of this country, as well as on the behalf of the government of India he courted the utmost latitude of inquiry, either in that or in the other House of Parliament. He was glad that the generality of the topics of the Speech had met with the approbation of their Lordships, and he trusted that their Lordships would unanimously agree to the Address.

Address agreed to.

HOUSE OF COMMONS,

Tuesday, February 5, 1839.

Address—Answer to the Speech.] The Royal Speech having been read,

Mr. *E. Buller* rose and said, that after the most gracious Speech which they had heard, he had to bespeak the indulgence of the House, in venturing to move an humble, dutiful, and loyal address in answer to the Speech. He felt deeply impressed with the difficulty of his situation, as under any circumstances, he should have felt his utter inability to undertake this duty, but particularly on the present occasion. Considering the numerous and important subjects that were embraced in the Speech from the Throne, subjects which were in a very great degree foreign to his habits, upon which he had no great knowledge, and which he was not competent to discuss, in throwing himself upon the indulgence of the House, he would endeavour, to the utmost of his power, not to weary their patience. He would endeavour, moreover, as far as he possibly could, to avoid the inconveniences that arose from protracted discussions upon the Address; and, above all, he would endeavour to avoid saying anything that could occasion asperity, or give rise to an acrimonious debate. He would then proceed to make a few short observations upon the different topics referred to in the gracious Speech which they had heard that day delivered. It could not but be a matter of sincere congratulation to the House and the country that her Majesty still continued to receive assurances from foreign powers, of their anxiety to maintain our alliance, and the most friendly relations; and that the peace which had been purchased at the expense of so much treasure and blood continued to our advantage, and the advantage of our commercial interests. It was also a subject of sincere congratulation to him, looking at the state of the manufactures of this country, to see so wide a field opened to British enterprise and capital. It was, indeed, in his opinion no matter of slight importance that we should have succeeded in entering into treaties with Austria and Turkey, which were calculated to open those vast countries to British enterprise and capital. The treaty with Austria had placed our merchants on the same footing as the most favoured people of that empire. The Turkish treaty also destroyed those vexatious regulations and restrictions that tended to cripple the trade, and to prevent the free circulation of the manufactures of this country with that portion of the world. Looking at the particular attitude in which Turkey stood—looking at the social state of that country—looking at the vast resources which she afforded for internal navigation, looking, also, at her vast undeveloped agricultural resources, her large and indeed inexhaustible commercial resources, he felt that it was scarcely possible to exaggerate the advantages that must be derived to the commerce of this country, from the treaty which had been entered into; it was of the highest importance to connect with a nation so peculiarly calculated to benefit us, a country possessing such undeveloped agricultural resources, possessing as we did such means of capital to manufacture, and deliver our produce in every quarter of the world. Independently of this, not only were our means and resources enlarged, but if we looked at the state of the public mind, and public opinion in that country, we should find a large population strongly prejudiced in favour of British connection, prejudiced in favour of our arts and manners, and receiving gladly such articles of luxury as we were able to furnish to them. The next subject that attracted attention was, the statement that a treaty had been concluded between the five powers for settling the differences between Holland and Belgium. It was a matter of congratulation that an answer had been received announcing the accession of the King of the Netherlands to the terms of the treaty. Considering that that treaty was based upon stipulations which had previously received the consent of the King of Belgium—looking at the great importance of finally establishing the independence of the country, and with a view to the true interests of Belgium itself, he was sure that some concession would be made by the people of that country even of their own interests and feelings, in order to meet the wishes of the great powers of Europe, and to place themselves on a footing of national independence. The next subject referred to in her Majesty's Speech was one to which there was much less pleasure in directing attention. It could not but be a matter of deep regret and disappointment to look forward to the seemingly distant prospect of effecting a settlement of the unhappy differences that existed in Spain. The state of Spain was to this country a matter of the most serious consideration, and one to which they must all look with great anxiety. He trusted that at no distant period tranquillity would be established in that great country, and the peaceful enjoyment of liberal principles under a liberal and enlightened government. He regretted to learn that some differences had existed between her Majesty's Ministers and the court of Teheran, and that the Emperor of Persia had not as yet fully complied with the proposals of the British Minister, and which the security of British interests required. He hoped, however, that the Emperor of Persia on reflection would see the necessity of acceding to the reasonable proposition which had been made to him, and would also see how deeply he would endanger his friendly relations with this Government by persisting in a refusal of it. The Governor-general of India, it appeared, had found it necessary to make extensive military preparations for protecting British subjects in that quarter of the world, and was now prepared to meet any exigencies, and to repel any aggressions which might be contemplated, and to maintain in every respect the integrity of that portion of her Majesty's dominions. He had now passed in review the chief points of foreign policy alluded to in her Majesty's Speech. The subject was one which he confessed his utter inability to do justice to, and he felt no better adequate to the task on the present than on any former occasion. He would now turn to matters connected with our domestic policy. The first subject alluded to by her Majesty was, the necessity for a reconstruction and reform of the Municipal Corporation of Ireland. Considering the loyal character and feelings of the people of that portion of the empire, he trusted that the House would see the necessity of conferring upon that people to the fullest extent, the rights, privileges, and immunities which are enjoyed in this country. He trusted, that after the pledge contained in the Address of 1834, the House would redress all just grievances, and adopt all well-considered measures of reform, and particularly bearing in mind what had been thrown out by several influential Members both of this and of the other House, that when the difficulties of the poor-law and the tithe questions had been satisfactorily adjusted, the time would come for conceding to Ireland the reform of her corporations. Considering all these circumstances, he did now most earnestly hope, that the present Session would not pass over without conferring upon Ireland a just measure of corporation reform. It also appeared, that her Majesty contemplated the prosecution and completion of measures for the purpose of carrying into effect the recommendations of the Ecclesiastical Commissioners. These measures had already been on the table of the House, and he felt convinced, that whilst their general provisions were such as the population of the country much required, there was nothing contained in them at all calculated to weaken the position of the Church. On the contrary, that they would tend considerably to augment its strength, and maintain its influence and stability. If the funds of the Church were honestly and faithfully applied, he saw no danger that its important labours would be interrupted on that ground. From the large sums of money which he had seen subscribed in the metropolis and elsewhere, for the building of churches, it appeared that the appeals which had been made to the people on this score, had not been made in vain; and that funds were forthcoming which must considerably extend the useful labours of the Church. The next subject to which her Majesty's Speech referred, was the present state of the West India Islands. It was with sincere and heartfelt congratulation that he learned that the period fixed by Parliament for the emancipation of the negroes, had been anticipated by the local legislatures, and that at the present moment slavery, even in a modified form, did not exist in any of her Majesty's dominions. However humble a share he might have had in the passing of the Slavery Abolition measure, it would ever be a subject for lasting gratitude with him that it had fallen to his lot to bear a small share in it. He had great gratification in reflecting, that the negro was now released from the cruel bondage which he had so long endured, and that, considering the smallness of his wants, and the largeness of his wages, he ranked now amongst the most prosperous labourers in the world. He had much satisfaction in looking forward to the ultimate prosperity of these colonies, and results he thought would show, that this great measure was as conducive to the interests and wealth, as it was to the honour and character of Great Britain. There was another topic upon which he felt a deep and more painful interest—he alluded to the province of Lower Canada. It was too true, that in that province there had manifested itself an extensive spirit of insurrection; but the rebellion had been promptly suppressed by the valour of the British forces and her Majesty's loyal Canadian subjects; and it must be a subject for congratulation, that the revolt had not been more extensively joined, nor generally connived at. It was true, however, that predatory incursions had been made into Upper Canada by certain lawless inhabitants of the United States, but these proceedings, he was happy to say, had met with neither sympathy nor support from the inhabitants of that province. Still, however, he must admit, that it would be impossible to look to the state of these provinces with entire satisfaction. As they were now in a state of submission to the powers of Great Britain, and of expectation and reliance upon her justness and the fidelity of her promises, he would venture to express a hope, that whenever measures might be brought forward for the settlement of their affairs, the Legislature of this country would bear in mind the peculiar situation of the French Canadians; that it would bear in mind that Great Britain depended more upon opinion than any other nation in the world, and that it was not so much on her power as on the confidence of her colonies that she had to depend. It was with regret that he came now to refer to the efforts which had been making of late in some parts of the country to excite her Majesty's subjects to disobedience of the law, and to recommend dangerous and illegal practices. He much regretted the excitement which had been so industriously kept alive in various parts of the country upon different projects, upon which he could not refrain from expressing his firm conviction, that if the professed objects of the parties were fully obtained, they would not in the least conduce to the benefit of the country. He was perfectly satisfied, that neither universal suffrage nor vote by ballot would have any such results as their advocates seemed to expect. He trusted, however, that whatever petitions might be sent in on these subjects, the House would receive them in a spirit which would show that it was prepared to listen with willingness to arguments and fair representation, but that it would yield nothing to clamour or intimidation. There was one subject upon which, though not mentioned in her Majesty's speech, he felt called upon to say a few words. The Corn-laws was a subject which had caused a violent agitation throughout the country; indeed, it was scarcely possible to overvalue the deep feeling and anxiety which existed throughout the country, not for extreme or violent measures, but a feeling of the necessity which existed for the modification of this enactment. He trusted that whenever this question came before the House, it would be met in a spirit of fairness, and with a determination to do justice to all parties; that it would be discussed with candour and earnestness of deliberation, not as a question between two hostile parties, but as one in which the interests of all parties were equally concerned. He trusted, that there would be a strong feeling amongst both the agriculturists and the manufacturing interests that they were mutually dependent upon one another, and that they were mutually each others best customers; and that, consequently it would be inconsistent with their own respective interests either to reduce the wealth of the one, or diminish the numbers of the other. For his own part, the facts which he had observed during the last four years made him very much doubt whether it would be expedient for the agriculturists themselves to maintain these laws in their present state. He thought it would be impossible by any such means to force up prices for any long series of years, but that an unnatural elevation in one year might be followed by depression in the next. It was also a question with him, whether any attempt to force prices, might not defeat its own object by stimulating production whilst it limited consumption. He had merely thrown out these few observations without intending to express in them any decided opinion on the subject. He should always be most willing to listen to any observations or arguments which others might make on the subject, with an earnest desire to consult, as far as possible, the interests both of the agriculturist and the manufacturer. Amidst the numerous grounds which existed for congratulation in the present aspect of public affairs, there was undoubtedly, much cause for serious consideration, and perhaps, somewhat painful apprehensions. He could not, however, but look forward with confidence to the result, and he sincerely trusted that the dangers and difficulties which now beset the Throne, would be met and overcome by the wisdom of Parliament supported by the efforts of a loyal and attached people. He thanked the House for the indulgence with which they had allowed him most inadequately to discharge the duty imposed on him, and begged to move an humble Address in answer to her Majesty's gracious Speech.

Mr. *G. W. Wood* rose with great pleasure to second the Address which had been moved by his hon. Friend near him, in reply to her Majesty's most gracious Speech from the Throne; and he felt quite as much, or more occasion for the indulgence of the House as his hon. Friend, being aware that on this occasion he should have to go over those topics to which his hon. Friend had previously called the attention of the House. It must be to all a matter of the utmost satisfaction, that her Majesty was able to assure the House, that she had perfect confidence in the preservation of peace on the footing on which the great powers stood in relation to each other. That after we had enjoyed the blessings of peace for so long a period, we should again have the assurance that there was no danger of the infraction of that peace, must be a subject of pleasure to this House, and all her Majesty's subjects; and in the two treaties that had been concluded with the Emperor of Austria and the Sultan of Turkey, to which their attention had been specially called by her Majesty, they had an additional basis for the preservation of peace. These treaties were of a character becoming the parties, and such as a commercial nation might justly be proud of having entered into. They contained provisions which were in the highest degree honourable to the Monarchs in whose names they had been concluded, and the statesmen through whose instrumentality they had been accomplished. They were treaties not entered into with a view to conquest, but with a view to call forth the latent wealth of the countries to which they related, and particularly the industry of their inhabitants. They were treaties which though they conferred advantages on the people to whom they had relation, did this without interfering in any degree with the rights of other states; they were treaties which, so far from having any selfish object, the more universally they were acted upon, the more beneficial they would become. Standing there as he did, the representative of a manufacturing borough, he felt particularly called upon to congratulate the House and the country upon these topics. With respect to the treaty with Austria, it was founded upon the justest basis. It did not, perhaps, offer any great accession to our commerce at once, but it laid the foundations broad and deep of the future prosperity of the two states. Coupling, also, the terms of this treaty with the alterations in the plans of that country, he did hope, that it would be found that she was entering with earnestness into a new system of commerce. With regard to the treaty with Turkey, whilst founded upon principles equally just, its immediate advantages would prove still more considerable. There existed a large commerce between this country and Turkey, which had long been impeded by the want of that freedom in Turkey itself, which was necessary to success in all trading proceedings. In this treaty we had a guarantee that all these impediments should be removed, and that an equality of rights and privileges should be established, from which advantages of a large and extensive character, could not fail to result. Such were the individual advantages which were held out by these treaties, but if they were taken together, he thought they gave assurance of still further advantages. They held out a promise that the latent energies and wealth of the southern portion of Europe, which had hitherto been too much bound up, were likely to be set free in throwing open the navigation of the Danube. When it was considered that this mighty river passed through a great extent of country, and rich as that land was in its native wealth, there was a prospect that it would become one of the great highways for the commerce of the world. Nor was this treaty important in its commercial relations only. It likewise conferred political advantages of no ordinary description. If it ever entered into the contemplation of Russian statesmen in times present or past, to recover the sovereignty of Constantinople, he thought that the independence of Turkey, secured as it was by the treaty which her Majesty had concluded, placed that object completely beyond their power. It was gratifying to see that those nations, through whose combined counsels in the year 1831, the blessings of peace were preserved in Europe, by preventing any hostile outbreak, were also instrumental in guarding against the disturbance of peace as a consequence of the separation of Holland from Belgium. With respect to Spain it was to be lamented that such a state of things as existed in that country should still prevail; but he trusted that the powers which had exerted themselves so successfully in securing the peace of Holland and Belgium, would use their best efforts to put an end to a war which was a disgrace to Christendom. With respect to the interruption of our amicable arrangements with Persia, whatever were the views in which they originated, or the objects of those who caused them, it was satisfactory to see the promptitude and vigour which marked the counsels of our Indian government; and let what would happen in that country, we were able and prepared to protect the peace of India, and to afford security to our subjects in that part of the empire. With regard to the Irish corporations, to which the attention of Parliament had been called, he would add his earnest hope to that already expressed by his hon. Friend, that this Session would not be brought to a close without putting an end, on satisfactory terms, to this vexatious question. He trusted that both sides of the House would lend their best endeavours to arrange the almost only remaining ground of anxiety with regard to the condition of Ireland. He repeated, that this was the only remaining practical measure of those which had been already undertaken, with a view of rendering justice to Ireland; and he hoped, that when they came to deal with its details, they would not be unwilling that our fellow subjects in Ireland should have the same measure of justice, and the same share in political rights, which, a few years ago, they had conferred on our fellow countrymen in England. It was extremely satisfactory that, throughout the West Indies, the great measure of negro emancipation had taken effect in a quiet and satisfactory manner, with the concurrence of the local legislatures. It was to be hoped, that the legislature of Jamaica would be willing to lend its assistance to whatever enactments might be necessary for securing the peace and rights of our negro fellow subjects; but if it should persevere in that conduct which had brought on it the condemnation of so many, it would be found that there was energy enough in this country to enforce that protection which the slaves of the island might require. As to the occurrences in Canada, it was not his intention to enter into any discussion with respect to them; but he could not do otherwise than express his satisfaction at the loyalty which was evinced by the inhabitants of Upper Canada in defending themselves from the hostile aggressions of their neighbours of the United States. He felt that they had discharged their duty to themselves and to the mother country, and he trusted that we should be prepared at all times to afford them that support and assistance which they might require at our hands, for securing to them their liberty, and perpetuating the connexion between Canada and this country. It was to be regretted that any of the inhabitants of the United States should have been tempted, by views of plunder, or by whatever motive they were actuated, to invade Canada, and to interfere with the internal government of that province. On the pacific intentions of the government of the United States he placed the fullest reliance. In the honourable feelings of the people of that country, and in their friendly disposition to England, he had equal confidence, but occurrences had taken place, undoubtedly, which brought disgrace on that country. It behoved the government and people of those states to show that they possessed the means, not only of protecting their own liberties, but of securing the neighbouring countries, living in amity with them, from any hostile inroads. The concluding paragraph of her Majesty's gracious Speech referred to circumstances which had occurred in this country, and by which the people were considered to have been excited to acts of disobedience and resistance. Speaking with reference to that part of the country to which he had the honour of belonging, he felt happy in being enabled to assure the House, that the feeling here referred to was not carried to a very great extent, or affected any large number of persons. Undoubtedly great efforts had been made to mislead the people, and to produce excitement, by tempting them to do things which no one could approve of, as they were injurious to themselves and to the tranquillity of the country; but he felt quite assured that a vigilant administration of the existing law would be quite effectual for the suppression of any disturbances which might have occurred. He was happy to have it to say, that the agitation which prevailed some time ago had subsided. He trusted we should not see it renewed. But if it should unhappily be revived, he could fearlessly assure them, that on the loyalty and pacific intentions of the great mass of the people in that part of the country to which he referred, the House might place the most implicit reliance. In all stations there existed an anxious desire for the preservation of the public peace, and for the maintenance of the law. The House would perhaps, indulge him for a short time, whilst he referred to the present state of the manufactures and commerce of the country. Two years ago great commercial distress and the utmost uneasiness prevailed in all branches of trade. The House would be glad to hear that this state of things had passed away, and that the commerce of England at the present moment was in a most satisfactory condition. He did not recollect any former period of commercial embarrassment at which the return to a state of healthy commerce, and of comparative prosperity, followed so rapidly on the depression. A question arose in connexion with this peculiarity which it would be unbecoming in him to enter upon, but which was well worthy the consideration of those who were conversant with such subjects. He thought an investigation of the question would prove that there was no great over-trading in our manufacturing community, or they could not so soon have recovered their healthy condition. The cause of that derangement he believed to have been a vicious system of banking. The legislature no doubt would feel it incumbent upon them to examine the causes of those calamities which brought ruin and distress on multitudes of their fellow-subjects, and to provide a remedy against their recurrence. The commerce of the United States had been deranged to the same, or to a greater extent than our own; but that country like this, had in a great measure recovered from its embarrassment, and had now to a considerable extent resumed its beneficial commerce with this country. He considered it to be in the highest degree creditable to the people of the United States, that they made such prompt, vigorous, and successful efforts to discharge the heavy amount of debt due to this country. It spoke, in his opinion, volumes for the power, internal resources, and aggregate wealth of the United State, that if they suspended cash payments for a short time, they quickly secured to themselves the inestimable advantage of a correct standard of value. The opinions which he had stated to the House on the present position of our commerce he was happy to find borne out by documents which exhibited the amount of the exports of this country during the last year, and the comparison which they bore to those exports of the four preceding years. He feared to trouble the House with statements of this kind, involving as they did many details, and yet they appeared to him so important with reference to the exact position in which our commerce now stood, that he trusted the House would indulge him for a few moments whilst he endeavoured to convey an impression of them. The hon. Gentleman referred to the principal articles in the following list:—

Declared value of the principal articles of British Produce and manufactures exported from the United Kingdom.

ARTICLES.	Average of Four Years 1834, 1835 1836, 1837	Amount in 1838, in round numbers.	Increase in 1838.	Decrease in 1838.
Cotton Manufactures . .	£16,058,000	£16,700,000	£642,000	
Ditto Yarn	6,001,000	7,431,000	1,432,000	
Woollen Manufactures . .	6,542,000	6,157,000	..	£385,000
Linen ditto	3,006,000	3,575,000	569,000	
Silk ditto	759,000	778,000	19,000	
Hardware and Cutlery . .	1,739,000	1,507,000	..	232,000
Earthenware	608,000	671,000	63,000	
Glass	542,000	377,000	..	165,000
Sugar, Refined	730,000	550,000	..	180,000
Metals, Iron and Steel . .	1,845,000	2,531,000	686,000	
Ditto Copper and Brass .	1,067,000	1,226,000	159,000	
Ditto, Lead	180,000	156,000	..	24,000
Ditto, Tin in bars . . .	51,000	103,000	52,000	
Ditto, Plates	352,000	435,000	83,000	
Wool, Sheep's . . .	274,000	432,000	158,000	
Salt	166,000	223,000	57,000	
Coal and Culm . . .	304,000	484,000	180,000	
	£40,224,000	£43,336,000	£4,098,000	£986,000
Deduct decrease . . .	..	..	,000	
Net increase	..	..	£3,112,000	

By this table it appeared that the aggregate increase in the export of the principal objects of British manufacture of the year 1838, over the average of the four preceding years, was 3,112,000*l.*, or seven and three fourths per cent. In the cotton manufactures the increase was four per cent over the average of the four preceding years. In the export of cotton yarn the increase was no less than 20 per cent. With regard to our woollen manufactures there was a decline of six per cent.; a circumstance which was entirely attributable to the very large portion of our woollen manufactures which were sent to the United States, and that country not being able to take in so large a quantity as it did in previous years, there was a depression which he had no doubt would be removed during the present year. In linen the increase was nineteen per cent. In silk two and a half per cent. In hardware and cutlery there was a diminution of thirteen per cent. In earthenware the increase was ten per cent. In glass the diminution was thirty per cent. In refined sugar twenty-five per cent. In metals, iron, and steel, the increase was thirty-seven per cent.; in copper and brass fifteen per cent. In lead there was a diminution of thirteen per cent. In tin in bars the increase was ten and a half per cent., and tin in plates twenty-three per cent. In sheep's wool the increase was fifty-seven per cent. In salt thirty-four per cent., and in coal and culm fifty-nine per cent. In the four great staple manufactures of clothing the increase was seven per cent. On the five metals enumerated the increase was twenty four per cent. He did not think that 1838 was an improper year to contrast with the four preceding, in order to show that the depressed state of our manufactures no longer existed. The years 1834 and 1835 were years of steady prosperity; 1836 was a year of over-trading, and 1837 a year of great depression. He had also had his attention called to the shipping interest, and he was happy in having it in his power to lay before the House particulars exhibiting the state of the shipping trade of England, which, though it was represented a few years ago to be in a state of great embarassment and adversity had now assumed a vigorous condition, and was rapidly extending. The hon. Gentleman read the following statement;—

FOREIGN AND COLONIAL TRADE OF THE UNITED KINGDOM.—SHIPPING TONNAGE.

INWARDS.

	Average of years, 1834, 5, 6, 7, and Year 1838.		Increase.	
	Tons.	Tons.	Tons.	
British	2,226,998	2,464,020	237,022	10½ per cent.
Foreign	808,609	1,036,932	228,323	28 per cent.
Total	3,035,607	3,500,952	465,345	15 per cent.
OUTWARDS				
British	1,768,497	2,058,240	289,743	16 per cent.
Foreign	648,419	858,062	219,643	34 per cent.
Total	2,406,916	2,916,302	509,386	21 per cent.
IRELAND, INCLUDING THEIR REPEATED VOYAGES.				
Inwards	1,154,925	1,264,975	110,050	10 per cent.
Outwards	1,497,571	1,556,216	58,645	4 per cent.
GREAT BRITAIN COASTING.				
Inwards	9,047,710	9,226,777	179,067	2 per cent.
Outwards	9,166,793	9,269,307	102,513	1 per cent.

To come from foreign commerce to home consumption, the increase in cochineal was 30 per cent., and that in indigo, 20 per cent.; in timber 24 per cent.; in coffee and cocoa, there was an increase, whilst in rum and brandy there was a considerable decline. His hon. Friend, the mover, had adverted, at the close of his speech, to another subject of great interest. That was a topic not embraced in her Majesty's Speech, but from the degree of public attention which it attracted, it was not unbecoming that he should advert to it. The subject would undoubtedly call for a large share of their consideration at an early period of the Session. He alluded to those laws which regulated the importation of human food. The tranquillity of the country for some years back, with reference to this question, did not arise from any indifference to its great importance, but from a fortunate cheapness in the price of food. It was not to be expected, that when the price of food was double what it had been in some years past, the same quiet would continue. It would ill become him to enter into a discussion with the view of producing a collision of open war on this topic. Opportunities would, no doubt, soon occur when hon. Gentlemen ranging themselves on the one side, and the other, would support their respective views which they entertained on this question with facts and arguments. He should only add the expression of his anxious hope to that delivered by his hon. Friend, that whenever this discussion began, they should enter upon it with calmness and temper, and with a feeling of what was due to the magnitude of the subject. There was one peculiarity in the proceedings which had taken place throughout the country, with reference to this subject, which it behoved the House to consider. They should recollect that the excitement which had now sprung up was not an excitement of a temporary nature arising from a casual advance in the price of bread—it was not a cry proceeding from those who suffered from famine—it was the demand of the intelligent middle classes, of the merchants, manufacturers, and traders of Great Britain. It was the voice of those who had great intelligence, integrity, and patriotic feelings, of those who had a stake in the country, and who were as anxious for the prosperity of agriculture as for that of the manufactures by which they lived. It was not likely, then, that even if favourable seasons should again reduce the price of bread, the question which was now started could be laid aside. Twenty years of peace had given a spring to the industry and encouragement to the commerce of all nations. It had been seen how great this country had become through its commerce. It no doubt filled the minds of the people of other countries with wonder and astonishment to see how we had borne up against the long suspension of our commercial intercourse which the war had occasioned. Their statesmen must naturally have been anxious to procure for their people an opportunity of imitating our successful career. And this should not be a matter of annoyance to us, for it was natural that other countries should employ their resources in the occupation of industry and in the acmulation of wealth. So far from looking on this as an evil, he thought it was a great good, and the surest means to preserve peace, the blessings of which they had so long enjoyed. But the encouragement which these countries had given to those of their inhabitants who were engaged in manufactures, was now beginning to produce its effects by a successful competition with this country, not only in the nations of the old world, but in the remoter markets, where our exports were seriously interfered with. A deep alarm was entertained by our manufacturers, that our prosperity as a manufacturing country would thus be seriously endangered. If such apprehensions were well founded, the manufacturers felt, that there was no means of amending their condition, but by an attempt which, even if it were practicable at all, all must deplore, to depress the wages of labour. Whether that became necessary or not it was the duty of the Legislature, in his opinion, to place the manufacturers of this country on a footing as nearly equal as it was possible to that on which the manufacturers of other countries stood. With these remarks he should close, expressing his concurrence in all that had fallen from his hon. Friend, particularly in the hope that this Address would be adopted with cordiality and unanimity by the House. He trusted, too, that in all their future deliberations they should regard more the public good, and the prosperity of the people, than the topics of party strife, which in his opinion were too frequently indulged in during the debates of last Session.

Mr. *T. Duncombe:* If those two hon. Gentlemen who had just addressed the House, and who had performed their task with so much ability, felt it necessary to pray the indulgence of the House whilst they discharged what might be to them a sort of labour of love, how much more incumbent was it on him, an humble individual, to make an apology, when he presented himself to their notice for the purpose of communicating, not only to her Majesty's Ministers, but to the House, what must be unpalateable and unpleasant truths. But this was no time for empty apologies; and the best apology he could make, was not to occupy too much of their time. If it should, unfortunately, be his fate to cause pain to any party, he could only promise them, that their suffering under the operation should not be very long. He rose, then, for the purpose of moving an amendment to the address which had been moved and seconded by the two hon. Gentlemen who had preceded him. It was an addition, rather than amendment, and it was to this effect:—"That the amendment of the representative system enacted in 1832 had disappointed the people; that it was not, and could not be a final measure, and that it was the duty of this House to take immediate steps towards its further improvement." He should feel it his imperative duty to take the sense of the House on this amendment. To the Gentlemen opposite, he had no right to look for any support. They were not responsible for the Reform Bill. They were only responsible for having failed in their endeavours to strangle it in its birth, and for aiding her Majesty's Ministers to cramp and impede it in its growth; but he did look with confidence to those of his side of the House for support; he did look to those who were returned on Reform principles with a confident expectation, that they would do their duty, and who would reap this consolation from such a course—let the consequences be what they might—that, however lightly their exertions were treated in that House, the public, at all events, would pass a different sentence upon their conduct—and that to the judgment of that public, the decision would ultimately belong. He was aware, that he was fulfilling a prediction which was made last year, he believed, by the right hon. Member for Tamworth, that some of those who were the loudest advocates of the Reform Bill would be found the foremost to assail it. He admitted it; and he would go further and say, that he should not be doing his duty, if he did not so assail it, because he maintained, that it had disappointed the people both of England, Ireland, and Scotland. At the same time, far be it from him to detract from the merit of the Ministry who carried the Reform Bill in 1832. But, whilst he admitted the merit of the measure, and the merit of those who carried it, he did not believe, that any man, at the time it passed, was vain or sanguine enough to imagine, that a bill so comprehensive in its general character, and so complicated in its details, could all at once arrive at positive perfection. In the first year after it passed loud complaints were made, not only of the imperfect working of the bill, in many of its details, but particularly of its exclusiveness. The country was then told by the Ministers of the Crown, and also by many well-meaning Reformers, that it was precipitate in complaining. "You are impatient," said they, "wait at least a short time—give the bill a fair trial." That argument could no longer be resorted to; the bill had had a fair trial—a trial of seven years, during which period three general elections had taken place, and he maintained, that the bill so tried, so tested, had neither fulfilled the intentions of the Parliament which passed, nor satisfied the hopes and wishes of the great body of the people who supported it. Why, he would ask, had it disappointed the people? Because it had not conferred upon them a full, fair, and free representation; because, at this moment, nomination, intimidation, and corruption, were as rife as ever. In the first place, he would ask the House, "Whom do you represent?" Did the majority of that House represent the feelings and wishes of the majority of the nation? He answered, no. Did the majority of that House represent the feelings and wishes of the majority of the working and industrious classes? He answered, no. Did the majority of that House represent the feelings and wishes of the majority of the middling classes? Again, he answered, no. In fine, did the majority of that House represent that which ought to be represented by a House of Commons, if there were any meaning in that term—did it represent the democracy of the nation? He said, no. If, on the other hand, he asked, "Do you, the majority of the House of Commons, represent the exclu-clusive feelings of the aristocracy?" He was compelled, most painfully, to answer, yes. What was promised to the people at the time of the passing of the Reform Bill? It was promised that, by the operation of that bill, nomination, intimidation, and corruption, should for ever cease. Had the bill succeeded in achieving that desirable end? Far from, it—it had in that respect, most lamentably failed. Whilst the measure was under discussion they were told, over and over again, "Only pass the bill, and the House of Commons will, in future, become a sort of mirror, affording, at all times, an accurate reflex of the public mind. Only pass the the bill, and agitation shall for ever cease —the voice of complaint shall be for ever hushed—all men shall follow their occupations contented and at rest, leaving to you, their representatives, the safe custody of their wants and wishes." He asked, if that prediction had been fulfilled—if the sanguine picture drawn by the supporters of the Reform Bill afforded any thing like an accurate illustration of the state of men's minds at the present moment? He would ask the Government and the House whether they did not know that there were at that moment two additional Parliaments sitting in this very town? Was there not, in the first instance, a sort of Corn-law Parliament, composed of delegates sent up from the great manufacturing districts of the country to stimulate the languid regards of that House to the people? Was there not also a Chartist Parliament assembled within a stone's throw of that House, representing upwards of three millions of the working classes, and sent up for the sole and express purpose of telling the House of Commons that the great body of the industrious classes of the people had no confidence in its councils? There was scarcely a topic which disturbed or excited the public mind, whether it were the Corn-laws, Church-rates, or any other general grievance, upon which delegates had not been elected and sent up to represent the actual feelings of the people. Was this a state of things which betokened content and satisfaction in the public mind? Besides, did they not see large masses of the people convening together on particular occasions with the view of petitioning the House of Commons upon particular questions? They met; and what was the result? Why, they passed resolutions; and one of those resolutions was, that the House of Commons was not worth petitioning. Would that be the case if the House of Commons afforded a full, fair, and free representation of the people? He knew the great difficulty against which he had to contend, but it was one with which he was ready to grapple. He knew that there existed in the minds of some of the Ministers of the Crown a sort of delusion, or crotchet, with respect to the finality of the Reform Bill. That was the great difficulty against which he should have to contend, supposing the noble Lord (Lord John Russell) to adhere to the declaration he made last year upon the subject of further reform. But he maintained, that before there could be any improvement in the country—before the people could be at all satisfied, the barrier raised by the noble Lord against the extension of the principle of reform must be swept away. It was, indeed, a barrier rotten in itself—a barrier founded neither in truth nor justice, nor even in common sense; for was there a rational man in the empire who would come to the conclusion that any human legislation ought ever to be regarded as final? The noble Lord spoke of a compact entered into at the time of passing the Reform Bill, and endeavoured to persuade the House that it would be guilty of a breach of faith with some party if it lent its countenance to any proposition for an extension of the suffrage. Moreover, the noble Lord stated, that there was an understanding when the Reform Bill became the law of the land that it was to be a final measure. Having been present, and given his humble assistance in the debates which took place while the bill was under discussion, he could only say that he had no recollection of its ever having been considered or treated at that time as a final measure. He remembered that some hon. Friends of his, whom he had now the pleasure of seeing behind him, were over and over again taunted by the hon. Gentlemen opposite with the question, "Will this satisfy you?" They gave no indirect or evasive answer, but said distinctly and at once, "No, we consider this measure only as a means to an end." The hon. and learned Member for Dublin (Mr. O'Connell) made that assertion not once, but frequently; and was the assertion ever contradicted by Lord Althorp, who at that time held the post of Ministerial leader in that House? On the contrary, it was notorious that Lord Althorp's opinion of the Reform Bill, when it was first introduced, was that it was a very moderate measure. Then he wished to know where the noble Lord entered into his compact—in what hole or corner he concluded this arrangement with the hon. Gentlemen opposite? Where was the record of it? He had seen none—he had heard of none; but even supposing that there were a record of it, he did not despair of bringing the noble Lord round to the conclusion that his previous opinion was one which, if the occasion required, might be safely departed from. If the noble Lord wanted a precedent for such a course, only let him look to the appropriation clause of last year. Year after year, did not the noble Lord and his Colleagues pledge their allegiance in the face of the nation to the appropriation clause, as involving that which they called a great principle? He had always his own private opinion with respect to the appropriation clause; but that was not now the question. It was enough to remind the House that Ministers always told them that the appropriation clause involved a great principle, and one to which they were determined to adhere; and it was certainly a proud sight to see those great men coping for a time with the great principle they had raised, and from which they were never to depart. He need not tell the House the sequel, it was too painful, too disgraceful to be repeated. He would leave posterity to judge of it; and, if faithfully recorded, he had no doubt that posterity would scarcely credit it. With respect, then, to the finality of the Reform Bill, he said to Ministers, "as you got rid so easily of the appropriation clause, to which you were pledged, in like manner lend us now your support in getting rid of the argument, which has been erroneously advanced with respect to the finality of the measure for reforming the representation of the people." When that measure was under discussion, they were told (surely Ministers will not deny this) that representation and not nomination was the object of it. He should like to hear any Gentleman say, that nomination did not exist now; he should like to hear any Gentleman say, that as many Members were not now returned to that House by and through the influence of certain particular individuals, aye, and by the influence of Members of the other House, as there were in the old boroughmongering Parliaments which preceded the passing of the Reform Bill. If that position could not be denied, he had the noble Lord's (Lord John Russell's) authority for saying, that the Reform Act could not be regarded as a final measure. The noble Lord, in a speech which he made in 1832—it was, to be sure, upon an occasion when there was a sort of doubt as to whether Lord Grey had not resigned, and whether the Tories would not accept the reins of Government, and carry the Reform Bill (for that measure was not so formidable in its character but that the Gentlemen opposite were ready to undertake it, provided they were admitted to the sweets of office—upon that occasion the Tories being twitted and reproached for their apparent inconsistency, immediately recriminated by reminding the noble Lord, that he had not previously been so great a Reformer, and that in his work upon the constitution he had recommended, that a part only of the corrupt boroughs should be disfranchised; "Oh," said the noble Lord, "if the Reform Bill were to be granted, and if you should have seats in this House, which would avowedly and openly be at the disposal of individuals, there would remain the seeds and beginning of another necessary and reasonable reform." If that doctrine were true, who would say that there did not now exist the seeds of other necessary reforms? If it were denied, that nomination or intimidation did now exist, he would undertake to prove, at the bar of the House, that there were many persons in the country who would rather be without the privilege of voting than be degraded by having their franchise invaded and abused as it was by Members of the other House of Parliament. But that was not all. The country required not only an extension of the suffrage—not only another Schedule A—but an extension and equalization of the constituency throughout the kingdom. This was not a time to enter into details of figures upon the subject, but here was a case so glaring, that he could not help mentioning it. He had taken six large boroughs and ten small ones; the ten small boroughs returned twenty Members, the six large ones returned twelve. The six large boroughs were Westminster, Liverpool, Finsbury, Tower Hamlets, Marylebone, and Manchester, having a population of 1,417,479, registered electors 71,560, and contributing to the assessed taxes 1,017,897*l.* The ten smaller boroughs were Harwich, Thetford, Chippenham, Andover, Totness, Tavistock, Marlborough, Knaresborough, Richmond, and Huntingdon, having a gross population only of 45,116; registered electors only 2,317; and contributing to the assessed taxes no more than 13,020*l.* When the people saw statements of this kind—statements which could not be contradicted, was it likely that they would remain satisfied? If the occasion were a fitting one, he could mention other boroughs which were in fact nothing more nor less than nomination boroughs. When he alluded at all to the subject, it was only just that he should state, that he believed this class of boroughs preponderated most upon that (the Ministerial) side of the House. As the matter, however, could not then be discussed, it would be invidious if he were to point them out, and he should, therefore, abstain from doing so. What arguments could be urged against his motion he was totally at a loss to conceive. When his hon. Friend and Colleague (Mr. Wakley), at the commencement of the last Session, proposed an amendment to the Address, a strong appeal was made to the gallantry and forbearance of the House, perhaps not without reason, for perfect unanimity upon the first Address voted in the first Parliament of a new Queen. But that appeal would not serve either the Ministers or the Reformers now, unless they were to be told, that during the present reign the House of Commons was never to approach the Throne except in the unmeaning and measured terms of Ministerial adulation. Whether the old, stale story of the unseasonableness of the moment for the discussion of reform were to be resorted to upon the present occasion he did not know; but this he would observe, that it never could be out of season to do justice to the people. Her Majesty, in the Speech that day delivered from the Throne, had asked the House for advice. The House, therefore, was now in communication with the Crown. What reason was there why, in that communication, the House should not claim justice for the people? The vote of that evening would afford an index to the people of who were their friends, who were real and who the sham reformers—who were finality, and who anti finality men. He did not ask the House to pledge itself to any remedial details — he only asked it to assert, that there was in the representative system a great and universal grievance, which it was its duty to remedy. He took the liberty of warning Ministers, that this might be the last hour of their existence as a Ministry, for by their vote that night the country would know whether they really intended to advance or to resist reform—whether they meant to govern the country by force or by affection, by arrogance or by conciliation. They might, if they liked, increase their army—they might overrun the country with their police—but he told them, that by such means, although they might obtain a temporary triumph, or knock out the brains of some of their fellow-subjects who differed from them, they would not be able to restore to that House either the affection or the confidence of the people. He begged leave, also, to remind the Government of what was once said—that although nothing was more certain than death, nothing was more uncertain than the hour of our dying. Even so in the present unsettled state of parties and of politics might the Ministry, sooner than they expected, be called upon to account for their stewardship upon the hustings. He entreated them, therefore, not only on their own account, but as they valued the rights of property and the institutions of the country, to be wise in time, and by their firmness and independence that evening to prove to the country, that it was wrong when it charged them with supineness and indifference to the real interests of the people. He entreated them to consent to his amendment, and so prove to the people that they were not deaf to their cries, nor insensible to their just and reasonable demands. He thanked the House for the patience with which it had listened to him whilst he performed his painful duty. He would conclude by moving his amendment, which was merely to add these words at the end of the Address:—"And to assure her Majesty, that as the amendment of the representative system, enacted in 1832, has disappointed her Majesty's people, and as that measure is not, and cannot be final, her Majesty's faithful Commons will take into early consideration the further reform of the Commons' House of Parliament."

Mr. *Ward* rose to second the Amendment of his hon. Friend, and in doing so he felt called upon to express the obligation which he felt the hon. Member for Finsbury had conferred upon the House, by affording them an opportunity of expressing their opinions at so early a period of the Session on the important subject of Parliamentary reform. He felt, that there was an absolute necessity for such a motion at the commencement of the present Session of Parliament, and he thought the time which had been selected by his hon. Friend the most appropriate and the most constitutional. He had heard on the Treasury bench a cheer when his hon. Friend had stated, that the present was not the moment for entering upon details; but the object of his hon. Friend was not to pledge the House to any specific measure of reform, and his views would be fully answered by the acknowledgement by that House that reform was necessary, and that the House would adopt measures to secure a fairer representation of the wishes of the people. Now it was upon that point, of the time chosen for the present motion, that he anticipated the greatest objection. Many hon. Members said, that the amendment proposed by the hon. Member for Finsbury was an excellent one, but, that it was wrong in point of time, and that it ought to have been brought forward as a substantive proposition in the regular course of business. He had heard a comparison drawn between the present motion and the motion which had last year been made by another hon. Friend of his (Mr. Wakley), but he would beg leave to remind the House, that there was no sort of analogy between the two propositions. Last year there was a general disposition to avoid a division on the Address, and to secure unanimity in replying to the first Speech of her Majesty to her first Parliament. There was also a feeling that the present Ministers appeared for the first time as free agents before the representatives of the people, and that time ought therefore to be given them in order to allow them full opportunity for laying before the House a full statement of the line of policy which, under such circumstances, it was their intention to pursue. But that time was now gone by. The policy of the Government had been fully developed, and the House of Commons were now called upon to assent to that policy, or to state wherein they differed from it, and what the measures were which they considered it necessary to adopt. On the meeting of the second Session of the first Parliament of the Queen, it was incumbent on the representatives of the nation to say whether they adhered to the scheme of policy which had been sketched out by the noble Lord (J. Russell), and in the olden times, and in the unreformed House of Commons, hon. Gentlemen were never found wanting to oppose such measures as might be considered at variance with the wishes or the interests of the people. Both in that House, and in the other House of Parliament men had always been found to support the wishes of the people, no matter what party might have been in power; but the people now complained, that their representatives in the reformed House of Parliament dared not to say in that House what they had stated upon the hustings, and when they were soliciting the suffrages of their constituents. In the old Parliament there had been nothing of this kind, but for his own part he considered, that they were bound to support their individual opinions, and they ought to thank the hon. Member for Finsbury for having afforded them at so early a period of the Session an opportunity of expressing their opinions on a subject which their constituents had so much at heart, and in which they felt so deep an interest. The hon. Gentleman had directed the attention of the House to the whole policy of the Government, and to that policy their attention was called by that paragraph in the Address which alluded to the present state of some parts of the country, and called upon them to enforce with rigour the laws against the proceedings therein spoken of, and to support the Crown. He admitted the propriety and justice of that appeal, founded as it was on the present state of things in those parts of the country to which the paragraph more particularly referred. But he would ask, were hon. Members prepared to deal with the manifestations of opinion recently made throughout most of the popolous districts of the country, without inquiry into the causes of those movements? What were those causes? He could ascribe the existing agitation to nothing less than the deep disappointment of the expectations raised by the Reform Bill. For, since the passing of that Bill, what had been done? Look at the whole course of legislation during that period. What, he repeated, had they done for the poorer classes of this country since they first met after carrying the Reform Bill in 1832? What remedial measure, as applicable to the wants and condition of the working classes, had they brought forward? Had they given the people cheap justice? Had they given them cheap education? Had they attempted to interfere with the laws that now controlled and prevented the exchange of the produce of labour with other countries? They had done nothing of the kind. They had given the people the Poor-law Amendment Act, and that was the only act which they had passed immediately affecting the interests of the working classes of this country. It was true, that he had always supported the principle of the Poor-law, believing it to be a sound and rational principle, aad a law conducive to the welfare of the working classes; but he must declare it to be also his belief, that the Poor-law and the present Corn-laws were utterly irreconcileable. The hon. Gentlemen on the other side of the House could not reconcile them. The landlords could not do so. If they expected to do so, they would find themselves grossly mistaken. He believed, looking at the whole course of their legislation, that it was to the narrow and exclusive spirit of that legislation—to the sympathy with the few and the want of sympathy with the many—their regard to some particular class in all they did, and the want of broad and intelligent principles in their legislation, that a great portion of the lamentable excitement and agitation now pervading the country must be ascribed. What had been the result of the system in which they had persevered for upwards of five years? Look at the present state of the country for the reply. Let any man who had really considered it say, whether any civilized country had ever presented itself in so singular, and he would add dangerous, a situation. There existed throughout the whole of England and Scotland a combination of a striking character. Throughout all the larger towns there existed an agitation most formidable in its nature and objects, comprehending all those, almost without exception, who were not included in the present franchise, arrayed together against those who were included by the authors of the Reform Bill within the pale of constitutional rights. It was a combination of a peculiar character,—one from which emanated the wildest theories, which contemplated a severance between the working and middle classes, and by which the rights of property were openly and positively attacked. Such was the organization which was spreading throughout all the large towns of England and Scotland. There was a national convention, a national press, and a national rent. Why, then, were they told that these were matters that were hardly worthy of any very serious consideration, or that, at least, they would require no particularly strong measures to rectify them; or, in point of fact, that it would be quite sufficient, in answer to the Speech from the Throne, to say that they were ready to assist her Majesty in supporting the dignity of the Crown, by enforcing the laws wherever it might be necessary to do so? But the evil was not one to be disposed of in an answer to a speech from the Throne. It was an evil which they should sift to the bottom for the purposes of seeking out and applying a remedy. He would ask, whether any such thing could occur in a country celebrated hitherto for practical, good, sound sense, unless there had been some substratum of political suffering, enhanced by the defects of the Reform Bill, and of the legislation which had succeeded it? He traced the present state of things to bad laws in the first instance, and then to political causes, and in some measure to that speech of the noble Lord, the Secretary for the Home Department, made by him at the beginning of the last session of Parliament. It was to that declaration of the Government as to the finality of the Reform Bill, that the whole of the agitation which had since ensued was to be attributed; and it was only by widening the representation and reforming the Reform Bill, they could hope to apply an efficient remedy for it. It was that declaration that first gave force and influence to those who now acted as the leaders of the working classes in this country by putting under the ban of perpetual exclusion of the political franchise those very persons by whom, in a great measure, the present Government had been called into power. If the noble Lord, the Secretary for the Home Department, had any doubt as to the effect of that declaration, he would ask, where was that tranquillity of which he boasted in the year 1837—that general, nay universal, tranquillity to which the noble Lord so proudly appealed when contrasting the existing Government with their predecessors, in his speech to his constituents at Stroud? What had been the reply which the whole country had given? They saw it in the organisation now existing; and if the House was not prepared to adopt a very different course to that which it had pursued, it would be impossible for any man to calculate upon the effects. But it was not to England and Scotland only that this agitation was confined. Look at Ireland. They were told last year when they paid the price, as they thought, for tranquillity in Ireland by that discreditable concession—that most dishonourable and unhappy concession to which his hon. Friend had alluded, upon the principle of keeping the present Government where it now was—they were told of the tranquillity of that country. Where was it now? Why, the very first act of his hon. Friend, the learned Member for Dublin, was to authorise a new system of agitation, and the tithe question, respecting which he understood his hon. and learned Friend to have said last Session that they should hear no more of it for three years, had been used by him as the lever of agitation in the formation and progress of the Precursor Society. [*No, no!*] He had understood his hon. and learned Friend to have said so; at all events that question had lately been converted into an instrument for rousing the whole population of Ireland into agitation. The concession which had been made to Ireland was a most unhappy one, for it had only produced that effect which was the natural result of eternal concession to what was called Conservative policy. That was the policy upon which the House was called to pronounce its judgment. Did they mean to sanction and support it? Or did they mean to say that the time was come when that policy must be abandoned, and that they must have recourse to a new system of dealing with questions which were the natural offspring of the Bill of 1832? This country he believed to be in a state of transition; and he wished to see the changes which he knew must come properly worked out. He detested mob law and mob violence. He was not a supporter of what was called the "Chartist Agitation;" and he always separated what was wild and impracticable from what was practicable and just, and that which ought to be conceded. While he was opposed to every thing of the former kind, he was ready to give his aid in carrying out those measures, which ought to be conceded, because they were just. He did not see how any man who supported a popular representation, and who wished to extend protection to voters and to widen the basis of the franchise by shortening the duration of parliaments, could vote against the amendment of his hon. Friend, the Member for Finsbury. Feeling, as he did, the most entire conviction that they were in a state of transition towards further reforms, and believing, that those reforms were not only desirable but just, and that the only thing they had to mind was, that they were legally, peaceably, and constitutionally worked out, he declared his belief, that, without further Parliamentary reform, those changes were unattainable; but he, for one, was prepared to concede them.

The Earl of *Euston* expressed his cordial agreement with the hon. Gentleman who last spoke, that the Reform Bill of 1832 could not possibly be considered as a final measure. He, in his humble situation, had opposed the Reform Bill; he could not, therefore, be supposed to be a very great Reformer. His objection to the Reform Bill was this: that the disfranchisement of the boroughs was either too small or too large, and he thought that the facts which had since occurred bore him out in this objection. What was it that brought about the Reform Bill itself? It was the opposition given to small beginnings, Was not the population of towns and boroughs continually fluctuating—some increasing, others diminishing? And was it wise, or consistent with the principles of the constitution, to refuse members to those towns whose populations increased. He intended to support the Amendment. He thought there was one great omission in the Speech from the Throne, inasmuch as no reference whatever was made to those blessings which this country had received from a gracious Providence, especially on a late occasion; he alluded to what he conceived to be a most extraordinary intervention of Providence, in giving this country a harvest, which, though not a particularly good one, was such, that if we had been without, the people would at this moment have been in a starving condition.

Mr. *Handley* observed, that the reason expressed by the noble Lord for supporting the Amendment was, that it pledged him to nothing. Now, that was the precise reason why he should oppose it; but in doing so, he protested against being held pledged as to any opinion he might entertain respecting the finality of the Reform Bill. When he recollected the first motion brought forward by the hon. Member for Finsbury (Mr. Wakley) on the first night of the last Session, and now considered that it was the other Member for the same borough who brought the Amendment forward, on the first night of this Session, he could not help thinking that it was a sort of anodyne, compounded, perhaps, by one of those hon. Members, to be administered by the other to allay some turbulent spirits that agitated the borough of Finsbury. He could only view it as a Finsbury farce, to be enacted by those hon. Members on the first day of every Session. He should, therefore, vote against it, because it pledged the House to nothing, and also because he considered it at once useless and unmeaning. His hon. Friends who moved and seconded the Address had alluded to there being no mention made in her Majesty's Speech respecting the Corn-laws, and each of them expressed his hope that the House would lend its support to some alteration or modification of the present law. He would not enter into the question now, but would merely state that he really should have been much surprised if any mention had been made of those laws, after the opinion expressed in the other House of Parliament by the noble Lord at the head of her Majesty's Government, towards the close of last Session, and after the opinion expressed in a letter attributed to the noble Lord, the Secretary of State for the Home Department, in answer to his constituents the other day, namely, that it would be unwise to interfere with laws of this nature unless under circumstances of the most pressing emergency. The hon. Member who seconded the Address, gave them an elucidation of how much the prosperity of the State depended upon the landed interest of the country being protected, in a speech which must have been heard with unmixed satisfaction by Gentlemen on both sides of the House. He could have wished that that Speech had been delivered before those who were known by the style and title of the Chamber of Commerce, at Manchester. Had that been the case, the hon. Member would have furnished sound and cogent arguments why this agitation, which, by the way, was said to be confined to the intelligence of the country, should never have been raised. He begged however to remark, that this intelligent body chiefly consisted of mill-owners and manufacturers. It was not like the agitation of 1815, in which the labourers took part. Those men did not now join in the cry against the Corn-laws; for they had found by experience that cheap bread meant low wages. He therefore thanked her Majesty's Government for not having alluded to that subject in the Speech from the Throne. He had met a large mass of his constituents, who entertained but one opinion on the question, and in which he cordially concurred—namely, that the Corn-laws were defensible upon the only ground on which any monopolies were defensible, that was to say, in their contributing not merely to the interest of one exclusive class of the community, but to the interest of the entire body of the people; and they believed that the present Corn-laws were in principle and in practice the best that had ever yet emanated from any government.

Mr. *Hume* was glad that the hon. Gentleman had fairly and openly avowed, that the Corn-law system was a monopoly, because he wished to ask to whom was that system a monopoly? It was a monopoly in favour of the landlords against the whole nation. The hon. Gentleman, had therefore, in fact, contended that one small class of the people had a right to rob the rest of the community. If there was any meaning at all in the last sentence of the hon. Gentleman's speech, that must have been what he wished the House to understand. Now, it was because the Corn-laws were a monopoly that he, for one, would most strenuously oppose them. If there were any doubt as to the meaning of the statement made by the Seconder of the Address, he thought it admitted of this very easy explanation—that whilst the exports of this country were increasing in quantity, the profits on capital and the wages of the working man were decreasing, and that the country at large was becoming impoverished by the operation of the Corn-law monopoly. Proof of these facts could be adduced at the bar of the House of Commons, on the evidence of every intelligent manufacturer in the country. If so, was it not a strong argument why such a state of things should no longer be suffered to continue? He did not mean to say, that the manufacturers themselves were not able to carry on trade with a fair profit upon the capital they employed; but he wished to ask what was the condition of the labouring men? Were there not abundant proofs to show, that the high price of corn and other articles of food had been productive of the most lamentable consequences? Those high prices pressed down the industrious man—they diminished the amount of reward which he was fairly entitled to receive for his labour, and compelled him to eat bread twice as dear as that which his foreign competitor in manufacture was able to obtain. If there were any doubt of the truth of this proposition, he would undertake to demonstrate it by the most unquestionable testimony. And this was the state of things after twenty years of peace—that peace which they were told would bring with it the blessings of contentment and plenty to the country. Where were those blessings? Did the disturbances that every where existed bespeak contentment? Did the state of the people—who were now famishing in thousands by the worst of all deaths—gradual starvation [*No, No!*]—yes, that was the truth—it was within his own observation; they might conceal it if they pleased—they might call things by different names from what they deserved—but he would venture to assert, that the late high prices, without any adequate increase of wages, had been productive of the most serious and lamentable consequences. Men were only able to get half a loaf instead of a whole one, while the women could only give half a meal to their children. And this was the state of things which the hon. Gentleman who preceded him in the present debate wished to continue; and for not mentioning these things in the royal Speech, he complimented and praised her Majesty's Ministers. The hon. Gentleman had said, that the Amendment pledged the House to nothing. Why, if ever anything in the shape of a pledge had been at any time proposed to the House, he thought it was the Amendment of his hon. Friend. Nothing could have been more satisfactory than the statement of his hon. Friend; he must, therefore, suppose that the hon. Gentleman was not in the House when his hon. Friend made his plain and distinct statement. His hon. Friend stated, that at the commencement of the last Session, the noble Lord at the head of the Government in the House of Commons declared, not once, but twice, that he considered all organic changes at an end—all changes in the Reform Bill impossible; and that, as far as he was concerned, it was a final measure. Then came the question of his hon. Friend—and which he (Mr. Hume) also joined in asking—whether that House was to stand still, and no further amendment to be made in the Reform Bill, which every Reformer believed did not answer the purpose for which it was intended? He was not one of those who could be called a finality man. Neither could the noble Lord be so called formerly for he said in introducing the Reform Bill, that he would not at that time speak of the ballot and of the shortening of Parliaments, but would leave them to be considered at some future time. With what consistency, then, could a man, who was the leader of a great body in this country, after making such a declaration, come forward and say, that the Reform Bill was a final measure? In the very second sentence of the speech of the noble Lord, to which he was alluding, the noble Lord observed, "that he was aware that many both in and out of that House, expected that he should say something about the ballot and the shortening of Parliaments, but he felt that those were very distinct questions from what were then under discussion, and he should, therefore, leave them in reserve." Now, did the noble Lord mean honourably to tell the House, that those questions were to be in future considered or not? If not, then those who believed him to be honest and sincere had been deceived, and the declaration of the noble Lord had proved the reverse. Could anything be more important, in the present state of the country, than that they should ascertain whether they had a Minister who would go on to correct abuses, or who, on the contrary, was determined to set himself against all further changes? He put it to any man whether it was not absolutely necessary that this should be ascertained. He would put it to the hon. Gentleman opposite, of whom (they having always opposed reform) he and his Friends had no right to complain. It was to them a great triumph. They now saw that the men who brought in the Reform Bill, had not courage to carry it through. Ministers talked indeed of being stopped; but they stopped themselves. There was no reason for their stopping, if they had not been stopped by their own fears; and were they, he would ask, who had hitherto supported the Ministry, as a reforming and progressive Ministry, to be fastened to the chariot wheels of those who would not go on? The Reform Bill stood still, and they were to stand with it in order to keep the Ministers in office, and in the enjoyment of all the advantages that appertained to office. He was fearful that they had lost the opportunity of benefitting the community by those changes that ought to have taken place. The amendment proposed by his hon. Friend, would test every man upon these points, and he trusted that it would not prove to be so wanton and useless as the hon. Member who last spoke conceived it to be. There were two paragraphs in the speech from the Throne, which he considered, made it still more important that the House should sanction the Amendment of his hon. Friend. One of these paragraphs called the attention of the House to the discontent that prevailed in the country, and pointed out the necessity on the part of the Crown to maintain the law. The other paragraph called upon the House to increase the establishments of the country, and make them more efficient. These two paragraphs were reasons why the House should adopt means to ascertain whether, when the Ministers were calling for an increased expenditure to keep the country quiet, the real cause of the existing disquiet was not that for which the Ministers themselves were answerable? His hon. Friend who seconded the motion, had told them, that there was great discontent prevailing throughout the country: was it possible, he would ask, that there should not be discontent, when between three and four millions of the people were unrepresented? What was the distinction between a freeman and a slave? Every Member ought to consider this question before he voted against progressive reform. A slave was one who had laws made for him, and whose income was regulated by others, over whom he had no controul. A freeman was a man who shared in the legislation of his country, by having a vote for those who made the laws under which he lived. Now, were the four or five millions of working men in this country, who had no vote, any better than slaves in this respect? They had no voice in making the laws, nor any power to correct the abuses in the large establishments of the country, which, nevertheless, took the money from their pockets: so that in fact, they were no better circumstanced than the slaves of the West Indies before the Act of Emancipation was passed. Was that no ground of discontent with the people? Was that House to stand aloof, beholding the sufferings of the people and the refusal of all redress of their grievances by the Government? His hon. Friend had taken the proper time for ascertaining whether the Parliament would consider those grievances. The people had already discussed them, and now demanded that they should be listened to by that House. As Englishmen, they had a right to state their demands upon the Legislature, and they would unquestionably exercise that right. Here was one paragraph telling them that discontent existed, and another asking for money to enable the government to maintain the laws. Would it not be the act of wise men and of christians to ascertain whether there were any grounds for this discontent; and if so, whether those grounds could not be removed, and the parties relieved and placed in a situation which would put an end to their discontent? The people complained of the inequality of legislation in its application to them and to the rich. He was one who considered this complaint to be well founded, and who thought that the laws were made to favour the few, and not the many, and that threw on the shoulders of the many the chief burdens of the State. He thought that his hon. Friend had shown great judgment in not pressing on the Government many of those matters which he might very fairly have done. He considered the Amendment well-timed, and should give it his cordial support. He wished to say a few words upon the Address itself. He had not objected to the Address, because he took it for granted, according to the usual parlance, that in suffering it to pass, he should not be bound by any of the allegations it contained. If he were held to be bound by them, he should most undoubtedly have objected to some of the paragraphs. He did not hear whether there was any clause introduced into the Address, assuring her Majesty, that the House would take into its early consideration, the present Corn-laws. Both the Mover and Seconder of the Address had stated their opinions upon the subject; but he believed, no allusion was made to it in the Address itself. It had been for some days his full intention to have taken the present moment for submitting to the House an Amendment, in which he should have stated the reasons why he considered this a fit and proper time to introduce the subject of the Corn-laws before Parliament; but, believing that he might have been in error, and that his friends about him might think it better that so important a question should be kept separate and distinct from the proceedings of this night, he waived his right of bringing it forward, though he was not certain that he had acted wisely in refraining from pressing that question in the Address to her Majesty. There was no question more importantly connected with the happiness and prosperity of this country. On that question depended not only the interests and welfare of the labouring classes of the community, but the wealth, power, and greatness of the empire itself. It was in vain for Gentlemen to talk about the landed interest being the most important interest in the State. Let them look to other countries where the land was the principal source of wealth, and observe how unfavourably those countries contrasted with this in all that constituted the greatness of nations. This was essentially a manufacturing country, and where one-third of the manufacturing population were employed in producing articles of external commerce. This being the state of things, it was impossible to over-estimate the evils that might ensue should that commerce be destroyed by the mischievous operation of the Corn-laws. He agreed in the eulogies that had been passed upon the commercial treaties which had recently been effected with Austria and Turkey. They would, as it had been justly said, increase the channels of commerce. But why not take the decisive step at once? Abolish the Corn-laws, and they would have channels enough for their commerce; the whole world would be open to him. If those treaties were of any value—and he admitted that they were—it was because they were a step towards promoting the general happiness of mankind by extending the commercial relations of the countries that were parties to them. For that he valued them. This, however, was but a distant prospect of good. If the Corn-laws were repealed, and free ingress were given not only to corn, but to every description of food —if, in short, the people were allowed to obtain cheap food wherever they could get it—then would the advantages of an extended commerce be immediately felt, not by the manufacturing population alone, but by every interest in the country: and were he a landowner he did not think he should be one farthing poorer than he was now. On the contrary, he believed, that such a course of policy would give security, certainty, and regularity to the market prices of every article. It would place Englishmen on an equal footing with men in other countries. Was it not monstrous that men should be supporting the Corn-laws, with the full knowledge that the effect of those laws was to make Englishmen labour for fourteen, fifteen, and even sixteen hours, to obtain those means of subsistence which, in other countries, could be obtained at two-thirds that amount of labour? Some temporary injury might possibly be sustained from the repeal of those laws, by men who had a precarious interest in land, but to the landlords generally — to those who had a permanent interest in the soil, he was satisfied the repeal would be most beneficial. Were those laws abolished, the field of commerce would be extended in all directions. America would import corn in exchange for British manufactures; but other countries, which could not grow corn, would, were trade wholly free, gladly obtain corn itself from England in barter for their own productions. Let any man read the accounts of what was now going on in Norway, Denmark, and Sweden. It was proved beyond the possibility of doubt, that they would import corn from this country, if England would consent to take their timber in exchange. At present the people of those countries had no market for their own productions; they were, therefore, left in a state of poverty, and were unable to purchase either manufactures or corn from us. Here, then, was another opening for British commerce. With respect to the Belgian question, he felt greatly disappointed at the course which the Government had thought it fit to pursue. He did not expect, that in this age they should have found any liberal Whig Minister, joining with any military despots, in handing over no less than 450,000 souls to a country which they hated and abhorred. Such a policy showed great indifference and want of attention to the wishes and interests of mankind. It was a sad thing to reflect, that now-a-days men were to be transferred like sheep from one potentate to another; and, that this was expected to be submitted to without discontent expressed, or discord created. Her Majesty had been made to say—and he was sorry to see it—that under the guarantee of the five Powers peace was warranted, and that the integrity of Holland would be maintained. Did not these five Powers give Belgium to Holland in 1815? But did they, by that act, give peace to Holland? No; then, what could they expect would follow the attempt at giving upwards of 400,000 people who occupied Luxemburg and Limburg to a country which they hated? Was it possible, that the peace of that country could be permanent? Was it possible that discord and future war could be prevented? Would it not have become a British ministry and a liberal Government to have considered, whether, as they had abrogated that part of the treaty of Vienna which gave Belgium to Holland, it might not have been as well to have abolished also that part of the treaty which gave Luxemburg, and Limburg to Holland? It had taken Holland six years to consider whether it would adopt the arrangements proposed by the five Powers. If then, Holland at length had given a tardy consent to those arrangements, was it necessary, that the Parliament of Great Britain should hastily pledge itself to this unnatural union —this transference of so many human beings from one state to another? This, however, was the course which they were now called upon to approve of and adopt. He sincerely hoped, that her Majesty would reflect on the advice—the ill advice which had been given to her — the bad policy which she had been counselled to pursue—a policy in breach of all laws, human and divine. Yes, it was a breach of the law of God. God's law never made any man the slave of another, and human laws were made for the benefit of mankind. It was never intended to sanction that policy which handed over between three and four hundred thousand men to a government which they despised and abhorred, and this without any benefit whatever to be derived by them from it. Therefore, against this paragraph in the Address, so far as it sanctioned that proceeding, he entered his strongest protest. He hoped, at all events, since Holland had taken six years to consider the propositions, that the British Government would never concur in any attempt immediately to force the arrangement on the Belgian people, without giving them time to consider and consent to that which they had not courage to oppose in the first instance. It was said that the five Powers had guaranteed this arrangement. But those powers had heretofore differed and quarrelled among themselves. With regard to the Peninsula, did they not see three of those Powers standing aloof, and the two others interfering? If there was disgrace attaching to this country for the policy which handed over the people of Poland to other nations, what must be the disgrace that would be incurred by the measure which transferred the people of Limburg and Luxemburg to Holland? The voice of the whole world would be raised against them; and the connection itself could not possibly last. He hoped he should never live to see that reproach upon England. It was a disgrace from which they ought carefully to protect themselves. Papers were to be laid before the House relating to this important question. He hoped, when that was done, that some hon. Member would bring the matter forward, and take the deliberate sense of the Commons of England, whether they would sanction the principle of a proceeding so atrocious. There was another question arising out of the Address—he meant the state of Canada, on which it would be premature to say much. The Speech from the Throne directed the attention of the House to the present state of that country; but did the House know that military law had been proclaimed there, and that courts-martial were sitting to try every criminal case, and that the judges had been suspended for offering a protection through the screen of the law against such enormities? He hoped, that the House would have early information upon all points relating to that country, that they might see the grounds for the present proceedings; for he believed, that there was not a man in that House who would sanction such proceedings, unless they were taken from overwhelming necessity. In conclusion he must express his regret, that after England had been at peace for twenty years, they should hear of more taxes. The revenue had been insufficient last year to meet the expenditure, and he believed that it would be found to be also deficient this year. He regretted, therefore, that they had not enforced economy, and that they should now be called upon to vote sums for increased establishments, which must, in the present state of financial affairs, necessarily lead to increased taxation. On the whole, he was of opinion that the House would act wisely in supporting the motion of his hon. Friend, as a test and as an assurance to the country, that the House would take into its consideration the necessity for further reform—by which he meant organic reform—and as a means for allaying discontent, and for enabling the nation at large to obtain wise laws. On these grounds alone he would vote for his hon. Friend's Amendment.

Mr. *Brotherton* would not have risen had it not been for some observations which had fallen from the hon. Gentleman who had seconded the Address, and which might lead to misapprehension. With regard to the Amendment then before the House, he might state, that there were five million men in this kingdom above twenty-one years of age, and that only one million of these had the elective franchise; that the people of this country conceived that the laws were partial, and that they were made for the benefit of the few, and not for the benefit of the many. The hon. Member for Lincolnshire had defended monopoly, and he conceived that monopoly always meant robbing somebody else. He had risen, however, to prevent the House from being led away by the flattering statements of the hon. Gentleman who seconded the Address. Coming from the same neighbourhood, he (Mr. Brotherton) knew something of the feelings of the people there, and he would put it to the common sense of the House to say whether they were prospering. Since the price of corn had doubled, would they tell him that wages had doubled? The manufacturers received small profits, and if they had received any, it was out of the wages of the labourers, who were forced to work long hours at trifling wages; and he would then ask, whether reform would not benefit the country? The exports might have increased in quantity. The exports of coal might have increased fifteen per cent.; but the exports of machinery had also increased; they were put down at 5,000*l.* a year; but he had no hesitation in saying, that they were ten times that amount. Tools, also, had been exported in large quantities, and other exports might be larger now, but the exports were now greatest where least labour was required, and they were least where much labour was necessary. We had lost the export of such goods as required much expenditure of labour, and we had an increase in such articles as long yarns. The exports might be far greater than they were in quantity, but the price was not the same as before. He had no hesitation in saying, therefore, that the manufactures of this country were by no means in a favourable state. But, even if our manufactures were improving, this would not take away the great evil under which the country laboured—that they were legislating for one class only. He had no hostility to the landed interest; but he firmly believed, that an alteration of the Corn-laws would be beneficial to all classes. He believed, that it would not lower the value of land, that it would increase the profits of the manufacturers, and that it would increase the profits of the poor, and if they proceeded with just and impartial legislation, he had no fear for the prospects of the country.

Mr. *Heathcote* said, that although the Mover and Seconder of the Address had deprecated an immediate discussion of the Corn-laws, yet they had entered fully into the matter, as had also the hon. Members for Kilkenny and Salford. The latter had referred to the old and often-refuted argument, that the abolition of the Corn-laws would not benefit the manufacturers alone, but the landowners equally. Those who were connected with that part of England with which he was more immediately concerned, were so far from thinking that they would be benefitted by the abolition, that he had received instructions to give to the proposition a positive and conclusive denial. He would not then enter fully into the question, but he knew the feeling of the county with which he had been connected for the last nineteen years, and he never knew any feeling so strong and so unanimous as it was upon this subject; a feeling pervading persons of all classes, contrasting greatly with what had taken place at meetings elsewhere, particularly in the manufacturing towns, where there was much violence and contrariety of opinion. The feeling did not less pervade persons of all political opinions than all classes of the community; not only was it entertained by the landowners, but he assured the House, that it was participated in by the tradesmen in the small towns, and by the labourers themselves. He believed, that he would have to present many petitions to that effect, numerously signed by the labourers, and he believed also, that from every parish in Lincolnshire would come a petition so signed. Hon. Members could not, therefore, say, that the landowners stood alone; for all classes were willing to enter into the contest against an oligarchy of millowners. Hon. Gentlemen always argued as if this were a question having reference only to a certain number of landowners, but let him assure the House, that the most numerous class affected by it was the small proprietors of land. There were tens of thousands and hundreds of thousands of these small proprietors, and he hoped that hon. Members would look at this question with reference to them; let them consider that there was no class of people in the Queen's dominions who suffered so much when times were bad, and now, when times were better, they ought to be allowed to benefit by the change. And if he possessed, as he did, the confidence of the large landowners, and he was proud of it, he was still prouder that he possessed also the confidence of these small proprietors; and he declared, that all they wished was to be let alone. Not only were they for no surrender, but they would consent to no compromise; they were decidedly against a fixed duty—they would not hear of a fixed duty; and by a fixed duty he understood, that when corn was low it should come in at a low duty, and that when it was high it should come in at no duty. He mentioned this for the information of the noble Lord, because it was supposed that all parties might consent to a fixed duty. The hon. Member for Salford had opposed a monopoly; but was the woollen trade no monopoly? Was the silk trade no monopoly? Was there no monopoly in the glove trade? Why, a considerable manufacturing town connected with the silk trade had, in the same Session, and he believed by the same post, sent two petitions, one praying for more protection for the silk trade, and the other for a total repeal of the Corn-laws. This was the kind of one-sided justice which some hon. Gentlemen wanted. And if the question were to be submitted to the consideration of the country, if the country were to decide upon it, it ought not to be submitted as a question of free trade in corn, but as a question of free trade in every thing. [*Hear, hear.*] Hon. Members might cheer; but he should like to see, if they went to an election on the question of free trade what would be the result. The fact was, every one was for a monopoly himself, but for a free trade in what every other person dealt in; and many Members who now sat for boroughs and cinque ports would not again be returned if they voted for a free trade; many hon. Gentlemen opposite would be thrown out; and he wished hon. Gentlemen opposite to cheer after the next general election, and not now. He had great pleasure in finding that the word Corn-laws was not to be found in the Address; but he supposed from the speeches of the hon. Gentlemen who had moved and seconded the Address, that it was the intention of the Government to remain neutral upon this question. If there were a neutrality, he hoped that it would be real, and not apparent; that, under a semblance of neutrality, no intimations would be given to Members connected with the Government; if the Government maintained an apparent instead of a real neutrality, there might be bodies of men in the country who would resent it. On the question before the House, moved by the hon. Member for Finsbury, he thought that what that hon. Member said was wrong at all times, and that he was still more wrong upon the present occasion.

Mr. *James* said, that he was the advocate for progressive reform, and he regretted as much as any man any declaration of the finality of the Reform Bill. Whenever any hon. Member should make a distinct motion for the extension of the suffrage, for shortening the duration of Parliaments, or for the ballot, he should have his vote; but he did not think it an appropriate manner of bringing it forward by inserting it in the Address, and he thought that the hon. Member for Finsbury would show more respect to her Majesty by abstaining from pressing his motion upon the present occasion. If the Amendment were carried, it would be a sort of censure upon the present Administration, and he, for one, would be sorry to see it passed. It might have the effect of turning Ministers out of office, and of bringing in the Gentlemen over the way. He would, therefore, vote for the Address.

Mr. *O'Connell* said, that the motion of the hon. Member for Finsbury involved no amendment, and raised no question on the Address; it was simply an addition. So far they were all agreed. And it was an addition involving matter so true, that no vote of that House could lessen its truth. It stated, that the reform of the British House of Commons had not satisfied the people, and it ought not to have satisfied them. How, then, could it be called final? That the people were dissatisfied with it was manifest, from one end of the country to the other. When they talked of petitioning against the Corn-law, the people declared, in more than one place, that they must first seek to enlarge the suffrage, and that they would not petition for a repeal of the Corn-laws, having no confidence in that House. They were most affected by the Corn-law, they wished for its amendment, but they would not petition that House. Having expressed an opinion against a somewhat similar motion last year, he now stated his determination to vote for the present motion. It was precisely so. Last year he apprehended that such a resolution would have disturbed existing relations; but, in the present year, he had no such apprehensions; and, in the interval, what had occurred in the country? Last Session there was no expression of popular feeling; there had since been a popular expression: he bowed to it, and he would vote in conformity with the popular feeling. He was sorry to find that the cause of Belgium had been so much neglected. We had enforced a treaty, by which the Dutch had at first refused to abide; and we had enforced it against persons who were no parties to it. He could see no worse principle on which to act, than compel a people to quit a government of which they approved, and to join a nation and a government of which they entirely disapproved. Why should we compel any people to do that? What right had we to do it? It was said, that we must respect the treaty of Vienna; but if they went back to the treaty of Vienna, what became of the question? What had we done under that treaty? We had not enforced it in all instances. Had not the Emperor Nicholas violated the treaty with regard to Poland? Did not that treaty guarantee a constitution to Poland? And had we not refused to interfere to maintain it? He believed, that there was nothing more dangerous to the monarchical principle than these attempted transfers. He believed, that it would give rise to considerable irritation. We hoped to obtain assistance from the king of Prussia, but the king of Prussia had differed with a large class of his subjects, and whilst our Government thought they were avoiding a war, he feared their acts might eventuate in many a war of the worst description. With respect to Canada, he could not allow the Address to pass without one observation. We were originally wrong with respect to Canada. Out of a notion of economy, we took the money of the Canadians without the consent of the Canadian Parliament, but he would like to know what economy we had found in that? He was not there to advocate the cause of those who had urged Canada to revolt, but he could not read of the quantity of blood which had been shed, and of the courts-martial, which ordered it, without protesting against it. He had hoped, that the day had arrived, when the shedding of blood would have been prevented. In this country the punishment of death for capital offences had, in almost all instances, been abolished, and he did not see why this humanity should not be extended beyond the Atlantic. And why had punishment of death been abolished here? Because it was found that other punishments were more effectual. It had been found in practice, that the punishment of perpetual banishment was quite as effectual as death, and it had not the evil consequence of habituating the people to the sacrifice of human life. Again, with respect to the employment of courts-martial for the trial of prisoners, why did they not bring them before a jury? They were told that the juries would acquit; but in the Address they were told, that the people of Canada were loyal. If the Canadians were loyal, they were fit to be jurors; but if they were not fit to be jurors, they were not loyal, and they stated what was not true in the Address to the Crown. When they said that juries would acquit, did they mean, that courts-martial would not acquit? But if they did, it bespoke a foregone conclusion. In his opinion, there was nothing worse, nothing more opposed to the feelings of officers, than to have them fighting one day against wretches in the field, and the next day, at a sort of a mock trial, sentencing the same parties to the gallows. It might be said, that courts martial were required to try the persons who had come over the American frontier; but why did they try by courts-martial those men who were not taken in arms? And when they added to this, that three of the judges had been superseded after decisions given in courts of law, he thought that they ought to make some efforts to relieve the officers. He trusted, that they would not rival the Cabreras of Spain, and that they would prevent every unnecessary waste of blood. He implored the Government to take speedy steps to stop the horrors of these proceedings. He would vote for the Address, protesting against the part relating to Belgium; he hoped, that Belgium would not acquiesce in the arrangement; he trusted, that they had sufficient power on their borders to repel any hostile movement; and he opposed the principle of arrangement, without consulting popular opinion.

Sir *Robert Peel* said, that there were three classes of topics which were under discussion in the debate of that night. First, the topics which were introduced into the Speech and the Address; secondly, those which were omitted from the Speech and Address, but which had been referred to by the Mover and Seconder; and, thirdly, those which were introduced by the Amendment of the hon. Gentleman, the Member for Finsbury. Although it was not his intention to move any amendment to the Address, yet he would shortly advert to the several topics introduced into the Speech and Address, omitted therefrom, and proposed to be added by the hon. Member. Whatever omissions, however, there might be, Parliament never met under circumstances of such great importance, or which afforded so much cause for deep anxiety in several quarters of the globe. Whether they referred to the affairs of Canada, to the disputes between Holland and Belgium, to the state of France, or to our Indian possessions, they would find that there were topics in all of these suggesting grave consideration, and which they could not regard without deep anxiety. The first reference which had been made in the Speech from the Throne was to the treaties which had been concluded with Austria on the one hand, and Turkey on the other; and though he concurred in the general policy of those treaties, he could not concur in the extravagant panegyric which had been passed upon them by the hon. Gentleman who had seconded the Address. He concurred in the policy of the Austrian treaty, but it was nothing more than a continuance of the treaty of the year 1829, which had been concluded by his noble Friend, the Earl of Aberdeen. The opening of the Danube and other circumstances would of course suggest the extension of the principle of that treaty, but the reciprocal principle of the present treaty was the basis of the treaty of 1829. He concurred also in the policy of the treaty which had been entered into with Turkey; but he did not concur in the opinion that it would produce all the advantages which some hon. Members anticipated. These treaties were held out as an effectual guarantee against the encroachments of Russia; but the treaty with Turkey appeared to stand thus—that whereas the powers of Europe had agreed to the importation of Turkish goods at a low rate of duty, which, in practice, had been found to give rise to illicit imports, an attempt was now made, by the substitution of a more reasonable and higher rate of duty, to establish a more legitimate entry into the various ports. The former duty on goods was, he believed, an *ad valorem* duty of three per cent., and it was now a duty of twelve per cent.

Mr. *P. Thomson* remarked, that the former duty was three per cent., the rise was two per cent., making the whole duty at present five per cent.

Sir *Robert Peel* feared, that in the present state of the internal government of Turkey, the superior authority would be so little attended to by the inferior persons over whom it had little control, that we should not reap all the advantages which we expected, and that we should find ourselves thwarted, not by the superior government, but by the inferior authorities. He would next advert to a subject of far deeper interest—to a question which had for too long a time escaped the attention of that House—to the subject of the British empire and the British interests in India. When they considered the immense importance of diverting the attention of the inhabitants of India from war, and of teaching them the acts of peace, and when they contemplated the evil consequences of a great financial expenditure, imposing the necessity for an additional taxation, he was bound to say that he could not consider this question without the greatest anxiety. He hoped that her Majesty's Ministers would give them the fullest information—that the House would be informed of the causes which had led to the interruption of our amicable relations with Persia. When they saw the large accumulation of force, amounting to several thousands, on our Indian frontier, and when they saw the encouragement which this accumulation of force, causing a necessary withdrawal from other parts, would give to other governments—he trusted to receive such information as would afford satisfaction to the public mind in England. He would not then state his opinion of the course pursued by the Governor-general, or her Majesty's Ministers; he would not then utter one word in condemnation of it; but he required that the House should be furnished with every particular which could be communicated consistently with the interests of the country. If we feared incursion from Russia, we should have reason to apprehend greater evil if we took a wrong view of the intentions of Persia. If we converted Persia, which had been a friend to England and an enemy to Russia, into an enemy to England and a friend to Russia, we were raising up difficulties in that quarter of our empire. He need make no apology to the House for entering into these details—the whole subject was too important to require any apology from him. The attention of Parliament had not been sufficiently drawn to the state of our interests in India. There had been much squabbling on matters of domestic interest, but of comparatively trifling importance, whilst these vast questions involving peace and war, and on which the fate of nations depended, had escaped observation. The Speech from the Throne made the following announcement respecting the relations between Persia and England:—

> "Differences which have arisen have occasioned the retirement of my Minister from the court of Teheran. I indulge, however, the hope of learning that a satisfactory adjustment of these differences will allow of the re-establishment of my relations with Persia upon their former footing of friendship. Events connected with the same differences have induced the Governor-general of India to take measures for protecting British interests in that quarter of the world, and to enter into engagements, the fulfilment of which may render military operations necessary. For this purpose such preparations have been made as may be sufficient to resist aggression from any quarter, and to maintain the integrity of my eastern dominions."

He knew full well that whatever might be said in the British Parliament about the necessity of confining our conquests in India within our present limits, would be replied to by an assertion of the irrepressible tendency of our empire there to extend itself; he knew that it would be extended beyond its present limits, and that it would be said that it must go on extending itself in a geometrical ratio; but still he did not find in any public document a justification under that head of the proclamation of the Governor-general of India, nor could he discover any connexion between that proclamation and the Speech from the Throne. The proclamation of the Governor-general of India seemed to have more in view than the mere resistance of aggression. This he thought was a fair inference from this passage of the proclamation—"After a serious and mature deliberation, the Governor-general was satisfied that pressing necessity, as well as every consideration of policy and justice, warranted us in espousing the cause of Schah Soojah-ool-Moolk, whose popularity throughout Afghanistan had been proved to his Lordship by the strong and unanimous testimony of the best authorities. Having arrived at this determination, the Governor-general was further of opinion that it was just and proper, no less from the position of Maharaja Runjeet Singh, than from his undeviating friendship towards the British Government, that his Highness should have the offer of becoming a party to the contemplated operations. Mr. Macnaghten was accordingly deputed in June last to the Court of his Highness, and the result of his mission has been the conclusion of a tripartite treaty by the British Government, the Maharaja, and Schah Soojah-ool-Moolk, whereby his Highness is guaranteed in his present possessions, and has bound himself to co-operate for the restoration of the Schah to the throne of his ancestors. The friends and enemies of any one of the contracting parties have been declared to be the friends and enemies of all." That was to say, that the friends and enemies of Runjeet Singh and of the Schah Soojah should be the friends and enemies of England. Now, to that sort of engagement on the part of British power in India he did not agree. It would further appear from the proclamation of the Governor-general, that the force assembled on our western frontier had more for its object than the mere resistance of aggression. He said, "The Governor-general confidently hopes that the Schah will be speedily replaced on his throne by his own subjects and adherents, and when once he shall be secured in power, and the independence and integrity of Afghanistan established, the British army will be withdrawn." Now he should require that the fullest information should be laid before the House on this subject. Here was a sort of guarantee given by the Governor-general that the British army would not be withdrawn until Schah Soojah-ool-Moolk should be restored. That prince was deposed from his throne in 1809, and had been kept out of it ever since, though on one occasion he had endeavoured to recover his authority, at the head of an army of 20,000 men, and failed. Yet this was the prince whom the British Government in India was about to restore, by the aid of an immense and most expensive military force, and when restored, no doubt another British force would be required to keep him on the throne. The principle was the same in the attempted restoration of the Schah Soojah as it would be in the attempt to restore Charles 10th to the throne of France, with this difference, that the Schah had been thirty years dispossessed of his throne. In the years 1831 and 1832 the government of India had sent officers of great intelligence and industry to report on the state of Afghanistan; and what were the characters given by one of those officers (Captain Burnes) of the present occupier of the throne, and of him who had been dispossessed of it, not by the hostile interference of other nations, but by the dislike of his own subjects? Captain Burnes said, that the total overthrow of the dynasty of the late king was universally attributed to his misplaced pride and arrogance, and that he might have regained his power but for his rash attempts to exceed the authority belonging to the station which he had assumed before he was firmly seated on the throne. The whole of the wealth of the country was in the hands of those who were inimical to his interests, and the bulk of the people believed that he had drawn down the mischievous effects upon them which had been produced; and from these circumstances, Captain Burnes drew the inference that the restoration of the late king was an event which it was most improbable would occur. That was the account by this gentleman, founded upon facts which he had collected in the course of a tour made in the years 1831, 1832, and 1833. That was the only account which was in existence, possessing any authority, of these territories, and that stated that it was impossible to replace the late Schah at the head of the country again on account of the feeling which existed against him; and yet the Governor-general informed Parliament that he had entered into a guarantee, under which, by the interference of British force, the sovereign should be restored. He must say, that in the present state of India, the entering into that guarantee, to be supported by such a course as that which was suggested, required an explanation which had not yet been given—which might be given—but which, to be satisfactory, must be of a character very different from any which had yet appeared; for it must be obvious that the passage in the Speech of her Majesty to Parliament did not correspond with the proclamation of the Governor-general. With regard to the case of the siege of Herat, that stood upon very different grounds, and he would say nothing on that head; but a very different question arose, whether it was politic to enter into a guarantee by treaty to restore the Schah. The next subject to which it was necessary to refer was, the important matter of the Canadian affairs, and although he had nothing to object to the general purport of the Speech, according to the construction which he placed upon it, yet he must say, that he thought the House would do well in its Address, to express in very strong terms the sympathy which they felt in the sufferings and wrongs to which the British subjects had been exposed in that part of the possessions of this country by the unjust and severe acts of aggression to which they had been exposed. He could not express his admiration for them too strongly—his admiration for the sacrifices which they had made, and for the valour which they had displayed in maintaining their connexion with England. They had not resisted from any cold calculations of pecuniary interest, or of their own immediate aggrandisement or security; but they had been influenced by the purest principles of loyalty, by their preference, after experience, for the monarchical form of government over the democratic; by their love for the British name, and by their determination to maintain their share in the liberties and glory of Great Britain; and for their exertions, he wished that in the last Session (now it would come, perhaps, with less effect) this House had expressed, in stronger terms, its sympathy in their sufferings, and its admiration for their loyalty and courage. When her Majesty, in her Speech from the Throne, called on Parliament to support her in maintaining the authority of the Crown in Canada, he took it for granted that that meant to intimate an intention on the part of the Government to maintain the sovereignty of her Majesty in the North American possessions of this country. He took it for granted, that that was tantamount to a declaration, not only that the maintaining that sovereignty was intended, but that after all that had passed the honour of this great country was concerned in supporting that authority; and he imagined that her Majesty intended to manifest her determination, whatever might be the result, to support those gallant men who, far separated from this country, but aided by its troops, had been able to resist the insurrections of the disaffected, and had proved themselves worthy of their connexion with England, and of their right to the language which they spoke in common with Britons, by their noble exertions, and by the sacrifices which they had so gallantly and so disinterestedly made. [Hear, hear! *from Lord J. Russell*]. The noble Lord (Lord J. Russell) assented to what he said, and that established the authority which he had attempted to deduce from the passage to which he had referred, and it was a declaration to the world, directed to the people of Canada more particularly, intimating that when any persons might attempt to molest them, it was for the honour of the British Throne that support should be given to British subjects. If that were so, then it meant to declare, and by that declaration to cheer the spirits of those who might be doubting, perhaps, as to the course they should take, that their sacrifices should not pass unnoticed if they were again called from their homes in order to repel any new aggressions of the same character as those which had been already made, and which were the most expensive and dreadful that had ever been inflicted on the people of any country. They might however rely on the protecting power of Great Britain being extended to them. It was important also that the declaration should be understood by those misguided inhabitants of the United States who had been the main cause of these aggressions. He was bound to say that he had never spoken but in this way—he had never spoken of the United States in the whole course of his political career with any other feeling than that of deprecation of any sentiment inimical to the Government of that country; and he thought it important, for the sake of humanity, and for the sake of the civilized world, that the friendship of the two countries should be maintained without any interruption of the best feelings; but that consideration should never prevent him, as a Member of the House of Commons, from expressing freely his opinion with respect to their conduct. Her Majesty, in her gracious Speech from the Throne, did certainly—he knew not whether it was intended as such—give as faint praise as possible to the efforts of the government of the United States. He was glad that her Majesty had spoken the truth. All that she said with respect to the President of the United States was this:—"The President of the United States has called upon the citizens of the Union to abstain from proceedings so incompatible with the friendly relations which subsist between Great Britain and the United States." Why if that were all that the President had done—if all that had passed were considered—all that appeared to have been done was to issue a Proclamation, calling on the inhabitants of the United States to abstain from any interference with the Canadians; and the very limited panegyric was justifiable, but he was still dissatisfied with it. He could not conceive anything more grievously unjust, than that the inhabitants of a country standing in a position of friendly relationship with another adjoining country, should keep the subjects resident in that country, without any cause of quarrel, in a state of danger of hostile interference; and he could not conceive anything more dangerous than that such an example should be allowed to continue in existence. Let hon. Gentlemen imagine the inhumanity and injustice which would arise in the event of it being admitted that the people of one kingdom were justified in making an entry into the adjoining territory with armed forces, in destroying its villages and massacring the people, and that the only reparation which could be obtained, was an answer that the government of that country, by whose inhabitants the insurrection was made, was weak or was disinclined to interfere, or that it should only call upon its subjects to desist from such proceedings and nothing more. Had anything more been done here? What had been done with respect to those persons who had broken into the arsenal belonging to the Uniten States, and, having taken away the armd contained therein, had turned them againss the British people? But what doctrine had the United States laid down under similar circumstances? When the Indians of Florida had entered upon and had attacked the United States, did General Jackson satisfy himself by adopting that course? Did he not, on the contrary, march into the territory of the Spanish, and seize the forts, and hold them for the United States? And when the Spanish government complained of it, what was the answer? It was, "If you cannot maintain order among your subjects, we will." That was the doctrine to which he appealed from his confidence in its justice, and the American government which he was sure acts on the principle of doing as it would be done by. The Spanish answered that they were weak, but the United States did not say that they were in the same condition, and could not repress the inhabitants. Mr. Adams foresaw the possibility of such a case arising, and he said, in his answer to the Spanish minister who demanded satisfaction,

> "He took possession, therefore, of Pensacola, and of the fort of Barrancas, as he had done of St. Mark's not in a spirit of hostility to Spain, but as a necessary measure of self-defence; giving notice that they should be restored whenever Spain should place commanders and a force there able and willing to fulfil the engagements of Spain towards the United States, of restraining by force the Florida Indians from hostility against their citizens. . . . . But the President will neither inflict punishment nor pass a censure upon General Jackson for that conduct, the motives for which were founded upon the purest patriotism; of the necessity for which he had the most immediate and effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations as well as in the first law of nature, self-defence. . . . . If, as the commanders, both of Pensacola and St. Mark's, have alleged, this has been the result of their weakness rather than of their will—if they have assisted the Indians against the United States to avert their hostilities from the province which they had not sufficient force to defend against them, it may serve in some measure to exculpate individually those officers; but it must carry demonstration irresistibly to the Spanish government that the right of the United States can as little compound with impotence as with perfidy, and that Spain must immediately make her election either to place force in Florida adequate at once to the

protection of her **territory** and to the fulfilment of her engagements, or to cede to the United States a province of which she retains nothing but the nominal possession, but which is, in fact, a derelict, open to the occupancy of every enemy, civilised or savage, of the United States, and serving no other earthly purpose than as a post of annoyance to them."

It was in order that the inevitable consequences of the continuance of the existence of the present system might be avoided that this matter was of importance, for there was the risk of men taking the law into their own hands, who were constantly exposed to sufferings of the description experienced by the Canadians, and it was to avert that event that he trusted that the United States would be zealous in co-operating with the British Government now. The sentiments of the nation must be known, and it was for the general interests of all countries to prevent the repetition of such conduct. Supposing 200 citizens of the United States were to collect and enter Canada, and seize upon a village, the result might be, that before assistance could arrive sufficient to expel them, a great number of others might take advantage of the stand which they had made, and of the temporary victory which had been gained, and might pour in upon the country under circumstances so advantageous as to prevent their being expelled without great difficulty. It was his duty, therefore, as a Member of the British Parliament, to call on the Government to make an appeal to the United States against the injustice of such a course. There was one other topic introduced in the Address on which he had a wish to speak. He was willing to put that construction upon it which it had received from the hon. Member for Kilkenny and the hon. and learned Member for Dublin, that it pledged those who voted in support of it to nothing, and to acknowledge, that it need not be criticised with any great accuracy, and therefore he did not object to it; but he would now come to a topic which had been omitted in it, and which was not adverted to. It was evident, that the hon. Member who had seconded the Address to her Majesty had prepared the speech which he had addressed to the House under the impression that the subject of the Corn-laws would be alluded to in her Majesty's Speech. He thanked the hon. Gentleman for the opinion which he had expressed, and the views which he had taken upon that important topic, and which he believed would carry the greater weight from the high authority which the hon. Member was known to be upon such a subject from his knowledge of the facts connected with the matter, and he was exceedingly obliged to him for the clear manner in which he had expressed himself, and certainly for the very able speech which he had delivered in favour of the existing system. His hon. Friends who sat near him, when the hon. Gentleman was addressing the House upon this subject, had called upon him to cheer for the arguments which the hon. Member had advanced; but he declined to take such an advantage of the hon. Gentleman, because he was fully persuaded, that before he concluded his speech he would proceed to the demolition of his own premises; but when the hon. Gentleman sat down, he never was so much surprised as at the termination of what he said; for he had never heard any speech delivered as this was, not only by the seconder of the Address, but by the chairman of the Chamber of Commerce at Manchester,,which went so far to confirm those in their adherence to the present state of things who had been favourable to its continuance, and to awaken the doubts and suspicions of those who were opposed to it. His argument was quite complete in all its points; for if he had said, that he would prove that there had been a progressive increase in the exports of England, he would have been answered, that it was true that the quantities had increased, yet that the relative value had diminished, and therefore that argument had no weight; if he had said, that he would give the official valuation, then he would have been called on to say what was the declared value; but to silence all opposition, he at once said,—

"I will give you the declared value; I will institute the best comparison; I will not take former years when other systems were in operation; but I will select the years 1835, 1836, and 1837; and I will compare the exports of 1838 with those of those four years under the same system of Corn-laws, and I will show you a progressive increase, not only in manufactured commodities, but in the real declared value, which amounted to three millions and a half; and I will show you, that there is a reasonable way of accounting for the depression which has taken place. In 1837, it is true, you had a depression; but that is not attributable to the Corn-laws. The years from 1834 to 1836 would afford fair tests upon which to decide the question, but the year 1837 would not; for it was not the Corn-laws which caused the depression in that year; but it was the operation of the banking system; and the instant that was removed, the instant that the ligature which bowed us to the ground was cut, in 1838, we rose buoyant."

The hon. Gentleman proposed to produce quantities, and he (Sir R. Peel) was also prepared with quantities which presented matter of grave consideration, whether it were proper to tamper with the existing system, and to show the House, that since that system had been in operation, a progressive increase of exports had taken place which was almost unheard of. The export of cotton yarn in 1829 was fifty-seven million pounds; in 1830, it was sixty-two millions; in 1831, it was fifty-eight millions; while in 1838, it was one hundred and thirteen millions of pounds; so that there was an increase to the extent of double the quantity in 1838, as compared to the quantity exported in 1829. A similar increase had taken place in the cotton-thread exported, which, in 1829, was 1,074,000 lbs., and in 1838, 2,362,000 lbs, or more than double the quantity exported in 1829. But this increase had not been confined to cotton alone. In hosiery, the quantities exported for three years, 1829, 1830, and 1838, were —1829, 363,000 lbs.; 1830, 346,000 lbs.; 1838, 447,000 lbs. In calicoes, there had been an immense increase since 1829, the amount then was 128,000,000 yards printed and 179,966,000 plain. In 1830, 159,432,000 printed and 190,262,000 plain. In 1838, 264,724,000 printed and 282,847,300 plain. In silks, also, the increase had been great.—[Mr. *Wood:* An average of four years.] He begged the hon. Gentleman would speak with the tone in which he before spoke of the average of four years, and remove any gloomy apprehensions which it might convey to his mind. In silks, the quantity exported in 1837, was 80,710 lbs, and, in 1838, 146,293 lbs.; of silk and cotton, 27,410 lbs. in 1837, and, in 1838, 52,863 lbs. This was the state of our commerce under the present Corn-law, and he begged it to be recollected that there was an increase of 3½ millions not only upon the quantity but upon the declared value.—[Mr. *Wood:* An increase of only 7 per cent.] Yes, 7 per cent.; but he did not perceive the same loudness now in the tone of the hon. Gentleman's voice which he had observed when he first made the declaration which he had repeated. It was not only this argument, however, which the hon. Gentleman had advanced which was in his favour, but he had said, also, that he had reason to know and believe that our trade was in a sound, healthy, and improving state. The hon. Member's account of the shipping interest, was equally satisfactory, and shewed that, under the existing system, that department of commerce had an equal right to boast of its stable and firm position. The question now therefore was, whether the British Parliament should be so alarmed by that which was the inevitable consequence of a bad harvest; and he hoped, that the House would pause before it acceded to any proposition which would have the effect of changing the law, and which would materially affect the agricultural interests of this country, having received from the President of the Chamber of Commerce at Manchester, the account which he had given of the stable and secure position of the commerce and manufactures of the country, exposed, however, as it was to the disadvantages of a bad bank system; and he trusted, that they would hesitate before they run the risk of needlessly undermining the foundation of that system which had been attended with such good effects. He now came to the last paragraph of the Address. Her Majesty, in her Speech, said—

> "I have observed with pain the persevering efforts which have been made in some parts of the country to excite my subjects to disobedience and resistance to the law, and to recommend dangerous and illegal practices."

He had no hesitation in saying, that by whomsoever or for whatever purposes these practices were resorted to, they would at all times meet with his most decided opposition. He cordially agreed with the expression which her Majesty used, and he hoped that that high authority not introducing any new penalties of the law, but warning her subjects against being misled by the practices of designing men, and expressing her determination to enforce the existing laws, would have the proper effect upon all loyal subjects, and would tend to frustrate the designs of these men; but the noble Lord must excuse him, if he said that he wished that steps had been taken at an earlier period to prevent the continuance of attempts which were now complained of. He found, certainly, that during the autumn, there had been language used most improper and exciting. He cared not by whom that language was used, or upon what subject, whether it was against the Poor-laws, or the Corn-laws; but he said that the language, considering the state of life of the individual who used it, was highly improper. It was calculated to excite the people to violence, and to endanger the safety of property, and by that means to call down upon the heads of the offending parties the severest penalties of the law. The noble Lord, however, must again excuse him for saying, that when he thought fit to advert to the subject of these meetings, he used language which was so capable of perversion, of being misunderstood, as to be dangerous in its effect. He would state the grounds on which this allegation was founded. On the 17th of September, a public meeting was held in London; and he found that a speaker there made use of the sort of language he complained of. Speaking of the men of the north, he said,

" They were armed. He had seen the arms over their mantel-pieces. But the national petition had come opportunely, and they would not have signed it had it not demanded universal suffrage. If they should fail in the present instance, he would not attempt to say what would be the consequence. The rifles would be loaded—that would be the next step, no doubt; and he defied the power of any government, or of any armed Bourbon police, to put them down. It was no use to disguise the matter; secrecy was the ruin of all things. Everything would be done openly by the people of Lancashire, and it would be done constitutionally and legally. Now for the people's charter. They demanded it because it contained universal suffrage—because it gave them a voice in the choice of representatives—and they were justified in asking for this. Was it too much for those who produced all the food, all the clothing, all the necessaries of life—who fought all the battles of the country, to ask for a voice in the choice of their representatives? He would state what the people of Manchester were going to do. They intended, on Monday next, to hold a great meeting at Manchester—an aggregate meeting, where they expected no less than 300,000 men, two-thirds of whom were fit to bear arms."

A person named Wade, a clergyman apparently, afterwards spoke. He said—

" He would now say a word as to the convention. One advantage of it would be, that the people would have an executive power to watch the government. If any unjust aggression were made on the people by the convention, they would have the power of calling a great convention, and those who did not agree with it might go about their business."

Mr. Feargus O'Connor (formerly a Member of this House) said,

" They had had a taste of physical force in the north a short time since. Some of the metropolitan police were sent down to Dewsbury, but the boys of that noble town sent them home again. His desire was to try moral force as long as possible, even to the fullest extent; but he would have them always bear in mind that it was better to die freemen than to die slaves. Every conquest which was called honourable had been achieved by physical force; but they did not want it, because if all hands were pulling for universal sufferage, they would soon pull down the stronghold of corruption. The Whigs had not only deprived the poor of their rights, but they had robbed the middling classes of theirs also, and all for the purpose of putting the power into the hands of the three devils at Somerset-house."

The rev. Mr. Stephens, on the 24th of September, used this language:—

" If the boroughreeve and constables had not made the declaration which they had made, and if these parties had not given the command of the police to be vested in the hands of the marshals of the day of that meeting, he would have come upon the ground armed, and would have brought 10,000 armed men with him to the meeting, and he would have moved an adjournment. He would have moved an adjournment of the meeting of the people of South Lancashire for one month, and he would have advised every one in the meantime to use all his influence over his friends and fellow workmen, to flock towards the standard of the national charter."

Now, when the noble Lord spoke of these meetings in the language he had used, though he not did doubt that his object was good, yet he must say, that he thought the expressions which he used were capable of being misunderstood. He would read a report which had been published of the noble Lord's speech, and which had not been contradicted nor controverted. The noble Lord said, at a dinner at Liverpool, on October 3rd:—

" He alluded to the public meetings which were now in the course of being held in various parts of the country. There were some, perhaps, who would put down such meetings; but such was not his opinion, nor that of the Government with which he acted. He thought the people had a right to free discussion. It was free discussion which elicited truth. They had a right to meet. If they had no grievances, common sense would speedily come to the rescue, and put an end to these meetings."

[Lord *John Russell:* I added a qualification.] The noble Lord, from that very expression clearly felt the justice of the remark which he had made. But suppose a mill was burned, and suppose that, instead of giving him assistance, it should be said that the mill-owner had duties to perform. He was prepared to say that, although the sentiments which the noble Lord expressed might be just, they might be truisms, but even the unseasonable expression of truth in times of public excitement might be dangerous, and, therefore he exceedingly regretted, that when the noble Lord did accompany that declaration which he had made in favour of these meetings with a qualification, that qualification did not receive equal publicity with the other parts of the speech. I will now (said the right hon. Baronet) say one word with respect to the Amendment of the hon. Member for Finsbury. The hon. Gentleman anticipates that it will be impossible for this side of the House to assent to it, and I certainly, for one, will give a cordial vote against it. But with respect to the first portion of the Amendment, that the measure of 1832 had disappointed the expectations of her Majesty's people, as the hon. Gentleman and others on that side of the House are such good judges of the disappointment that has taken place, I will defer to that authority most readily, and as I prophesied that disappointment would be the result, I certainly do not dissent from that part of the Amendment. I did dissent from the measure; I told you the English people in the mass were not deceived—that they did not place much confidence on the legislative power of a new Parliament to redress their grievances—I told you that you overrated the extent to which

> "Many a gem of purest ray serene
> The dark unfathomed caves."

of the reformed Parliament would turn up. I did not suppose that "a phalanx of able and eloquent men," who had been hitherto languishing in obscurity, would be brought before the public. Supposing I had prophesied in 1830, when you drove me from power—when you made me responsible for every fire that took place—when you told me that public discontent would not, could not exist without evident indication of misgovernment—that the people would not complain without good reason, and that the existence of dissatisfaction, and the prevalence of crime, were proofs of the bad legislation of those who held the reins of power. Suppose I had said at that time, "Yes, but you have not two conventions sitting then as there now are;" Suppose I had said, "You will have the same fires and the same outrages in 1838, making every allowance for the excitement in France;" I do not consider, as regards the prevalence of excitements, you are at the present moment in a better condition than we were in 1830. If I had said that this measure you are clamouring for—the bill, the whole bill, and nothing but the bill—if I had said, you that are calling for this, and you will neither permit abatement or addition to it—if, whatever you may think of its finality now, you then held it to be the second charter of public liberty—if I had said, in 1838 you will be clamourous for a reform of this measure as you now are, and that it disappoints the public expectation, and that you must be dragged upon the wheels of that which is ever to be stationary, it would not have been received with the good-humoured laughter with which you now greet it, but with a scowl of indignation at throwing any doubt upon the introduction of more popular opinions into the British Constitution. I should have been denounced as a false prophet; I should have been told that there would be nothing but perfect satisfaction under the the new Parliament—under the bill, the whole bill, and nothing but the bill. It would have been said, these are the prejudiced views of a Tory who clings to ancient abuses, and who will not look on the bright day that is now approaching. I may now be asked, why, then, do you support this bill, which according to you is deserving of reprobation, and has been productive of disappointment? Because I take warning from experience, and because I find it has not produced satisfaction—because I know that a demand for further reform, in the expectation of producing satisfaction or finality, would be only aggravating the disappointment, and that in five years more, after having extended the suffrage to four millions of people, you would come again and say, you have only given us household suffrage, when you should have given us universal suffrage. You will argue, it is quite clear, that whoever contributes by his labour to taxation, is entitled to a vote. I am confident, according to the hon. Gentleman's own showing, that if all men are slaves who are not entitled to exercise the elective franchise, that nothing short of universal suffrage, in its most unlimited degree, will satisfy you. Why should it be limited to the age of twenty-one? Why have any limitation as to age, as in the case of the militia? Thus you will go on infusing popular principles into the Constitution until it ceases to be a Monarchy, and then, when you are suffering under the bitter experiences of the change, you will, perhaps, tell me that you were not a false prophet. Would to God that we had continued under the old standard of our ancient institutions, and that the country may yet preserve the inestimable institutions of a mixed and mild Government.

Mr. *Villiers* said, nothing could be conceived more likely to favour the views of the party calling themselves the "Chartists" than the speech of the right hon. Baronet who had just sat down, and, indeed, the whole tenor of the debate from beginning to end. He had been in hopes that those Gentlemen, representing the landed interest, would have had at least the decency not to proclaim their intention of maintaining the monstrous monopoly of the Corn-laws. He had expected that the right hon. Baronet would have attempted, in the course of his speech, to suggest a remedy for some of the prominent grievances which oppressed the country; but, instead of that, he had commenced by reading the House a lecture, because they had undertaken the consideration of some matters of domestic policy; then another lecture about our affairs in India on Runjeet Sing and Kam Ram; and then another lecture because they had not given sufficient support to the mild and discreet individuals representing the British party in Upper Canada. Upon the subject of the Corn-laws, he thought that there could be but one feeling of disappointment throughout the country, that the right hon. Baronet had consented to take up the miserable and fallacious arguments of the hon. Member for Kendal. Yes; such he must style them; and he could not help thinking that it was unworthy of the right hon. Baronet to take such a course, betraying at once a want of ingenuity, or ability, or unwillingness to find something better to address to the House. Sure he was that the right hon. Baronet, at the very time he was using that argument, saw clearly through the fallacy of the statements which he was quoting from the hon. Member for Kendal; because they were statements which had so often been repeated, and so often been refuted, that he could not conceive the possibility of any one again seriously advancing them. The case was simply this:—The hon. Member for Kendal referred to the increase of our exports, and inferred from them that trade was flourishing. The right hon. Baronet then took up this argument, and endeavoured to deduce further from it that the Corn-laws had not endangered our foreign trade; and he saw from the cheer which that argument drew down, and from the manner of the right hon. Baronet in advancing it, and in making use of those statements, that such was the effect intended to be produced by it. What the opponents of the Corn-laws alleged was, that our competition with foreign markets was endangered by the high price of provisions in this country; that in all articles requiring manual labour we could no longer compete with foreigners in other markets than our own; but that in articles manufactured by machinery we could still compete with them, and maintain our pre-eminence; that in consequence, our exports in the former class of articles were decreasing, but that of the latter increasing to a certain extent. But the consequence of the last circumstance was, that machinery was being exported from this country, and our artisans leaving their homes to become dangerous competitors with us abroad. Now, in his opinion, there was nothing inconsistent in their views with the trifling increase in our exports which had been referred to by the hon. Member for Kendal. But the hon. Member, moreover, had not told the House whether these increased exports had found their way to the European markets, or to our colonies; for if the matter had been fairly stated, he had no doubt it would turn out that many markets which we used to supply now supplied themselves, whilst in neutral markets we were supplanted by others. He was very glad, however, that this was the point upon which the question was to turn, because it came in support of the motion of which he had given notice, for hearing evidence at the bar of the operation and effect of the Corn-law monopoly, an investigation which he thought would hardly be refused by those who pretended to enter upon this view of the question. For his own part, he owned that, after all that had been said in the course of the present debate, particularly by the hon. Member for Lincolnshire, and the right hon. Baronet opposite, he should feel bound to give his vote for the Amendment of his hon. Friend, although at first he had entertained some doubts as to the propriety of introducing such an Amendment at the present time.

Mr. *G. W. Wood* said, that some of the observations which had fallen from him having been so pointedly alluded to both by the right hon. Baronet opposite and the hon. Member who had just sat down, he felt bound to say, in explanation, that he saw nothing in the statements which he had made, inconsistent with any arguments for a change of the Corn-laws.

Lord *John Russell* said, that important as were the various topics alluded to in the Speech of her Majesty, and important as were those topics which had not formed part of that Speech, but had been brought forward in the course of the present debate, he felt that he should have so many occasions for addressing himself to these several subjects when they were respectively brought forward, that he did not now think it necessary to do more than to give that explanation upon one or two points which might seem clearly called for by the speeches of the right hon. Baronet opposite, and others, who had spoken in the course of the debate. The hon. and learned Member for Dublin seemed to suppose that it was a great act of oppression and injustice on the part of the great powers of Europe that certain territories, which had been held for some years by the King of Belgium, were now about to be placed under the King of the Netherlands. But it should be borne in mind that these territories did originally form part of the dominions of the King of the Netherlands, and that when the kingdom of Belgium was formed, the King of Belgium consented to the present territorial arrangement. Neither did he think that any act of injustice was done by it to the inhabitants of this territory, who he did not think were in that state of hostility to the King of the Netherlands which the hon. Member for Kilkenny seemed to suppose. He must say, looking back at the labours and objects of the great Powers of Europe who had taken part in the treaty of Vienna, and whose intention it was that Belgium should be an independent kingdom, with the means of internal security and defence, and of extensive commerce combined, he must say, that, looking at this object, which was held in view from the first, he thought that every one who was concerned in these negociations had cause for congratulation upon the result which had been come to. The right hon. Gentleman opposite, in the course of his comments upon the Speech, had referred to the affairs of India—a subject more particularly difficult to be treated of in the debate upon the Address, and which he thought, therefore, should form the subject of a separate debate. The right hon. Gentleman seemed to imply that the proceedings which had been adopted by the government of India tended to extend the bounds of our empire. Now, such was not the case: the differences in which we were concerned arose purely out of an act of aggression on the part of the King of Persia against the city of Herat, when we came to the assistance of the chief Kam Ram, who was defending his city against the aggressive force. Therefore this proceeding was not to extend our territory, but to support the possession of one on whose fidelity we had always had reason to rely. With respect to the terms in that passage of the Address wherein the word "aggression" was used, this passage referred to certain engagements entered into during Lord Auckland's government, and alluded to an altogether distinct transaction from the former passage. He need only add, therefore, that this passage of the speech was completely in accordance with the proclamation of the Governor-General of India, and if the position which had been taken up were wrong, it had not been adopted without due deliberation. In confirmation of this statement he would add that when the first dispatches upon this subject arrived from Lord Auckland it was agreed that it would be proper to send out instructions to the Indian government on the subject, and in return they received dispatches from Lord Auckland, giving the gratifying intelligence that his Lordship had consulted all the local authorities whom he could refer to, and that they had all come to exactly the same conclusions as those which the Government had adopted.

The right hon. Baronet had referred to the state of Canada, and he was glad that in doing so he had particularly dwelt upon the necessity of maintaining the authority of the Crown in that portion of her Majesty's dominions; and although he admitted that in regard to the past transactions of Government it was not usually advisable to call for an expression of opinion on the part of this House in a debate of this kind, yet he thought that in respect to the question whether the authority of the Crown and of the House should be maintained in a part of the British dominions it was a question upon which the House might very fairly be expected to give without hesitation a distinct opinion. It was a subject upon which they could not allege that they were taken by surprise; it was a subject upon which every man must have already made up his mind—namely, whether it would be prudent, honourable, and wise on the part of this country to stand by British subjects in Canada, who had hitherto at their own cost and risk stood by the Government of this country, or whether they should consent to give them up into the hands of any other power. On this subject he apprehended he was entitled to ask for an expression of the opinion of the House, that the honour, no less than the interests of the Crown, demanded that the British subjects of Canada should be defended against all aggressions; and, be the expense great or small, they, the Ministers of the Crown, were ready to encounter it; and rather than do that which could not but be injurious to the empire, in the scale of nations, and a disgrace to the Crown of England. The right hon. Baronet, in connection with this subject, had particularly alluded to the reference which had been made in the Speech to the proceedings adopted by the President of the United States, in reference to these outrages. Undoubtedly he should have been very glad if he could have recommended her Majesty to have stated, that the President of the United States had called upon all the people of America to unite in repressing these aggressions upon a neighbouring State, and that that proclamation had been promptly responded to by the American people. But referring to the accounts received from Canada, he thought it would be impossible to say with propriety that the efforts of the President had been attended with that effect which, looking at the character which the United States ought to preserve in the scale of nations, should have been expected from them. In not expressing this opinion, however, it was by no means intended to be inferred that there was the least ground for suspicion of the existence of bad faith on the part of the President of the United States. On the contrary, considering the state of the frontiers of the United States, and the weakness of the executive, he thought that every thing had been done that could be expected of him. But the fact was, the people of the United States were so jealous of putting authority into the hands of the executive, that they did run the risk of the reproach of not observing those relations which every other State in the world wished to maintain towards its allies. He certainly could wish that the executive of the United States were strengthed in this particular, as nothing could be so distressing as their barbarous, vexatious, and continual aggressions. The right hon. Baronet had referred to a speech which he (Lord John Russell) was reported to have made at a public dinner at Liverpool. With respect to that speech he would observe, that there having been no persons present on the occasion who were professionally able to report speeches, the report did not give that passage in his observations which the right hon. Baronet suggested he ought to have used, and which, in fact, he had in substance repeated, as he (Lord John Russell) had himself said on the occasion in question; namely, "that whilst the Government was disposed to give every latitude to the free discussion of public questions, yet that this liberty must not be used to the infringement of the laws of the country, or the infringement of the liberties of her Majesty's subjects." Those were his sentiments; his object being that nothing should be done which should deter, through intimidation, the expression of opinion on the part of those who wished to participate in the privilege. He had particularly in view at the time the subject of the Poor-law, which being considered capable of being represented, that it was not a measure of hardship to the poor, he was anxious that the utmost latitude should be given to free and open discussion on the subject. But when attempts were made to abuse this liberty, to excite people to physical violence and the use of arms against the laws and subjects of the Crown—no sooner was this the case than he consulted the law officers of the Crown, and by their advice had adopted the proceedings which had been taken against a certain party, in all the subsequent stages of which he had acted entirely by the advice of those functionaries. Several topics had been alluded to in the course of the debate which had not formed part of her Majesty's Speech. Of these he would very briefly refer to one, namely, the Corn-laws. He had certainly been of opinion in 1828 that a modified fixed scale of duties would be better than a fluctuating scale; but at the same time he thought the new law a great improvement upon the former system, and therefore he gave it his support. But he now thought, however, that the time had arrived when it should be considered whether that law had acted beneficially or not. He was not prepared at the present moment to enter into a discussion of the subject; but he thought, that the respectability and importance of the interests calling for the repeal of these laws entitled them, not perhaps to be heard at the bar of the House, but to the most patient investigation on the part of the House of any facts which they might bring forward, so that it should not go forth, that the House had shown itself indifferent to any subject so deeply affecting the interests and welfare of the people at large. There was another subject which was embodied in the amendment of the hon. Member for Finsbury, to which he would say a few words, although he would not now go into all the details connected with it. He had cheered him for not bringing forward details. He had done so, because he thought the word was a singular one to introduce, when it was not intended to state the course that was about to be adopted. He did not ask of the hon. Gentleman to go the length of entering into details of the measure he proposes; but then the hon. Gentleman should give the House some notion of the nature of it. He did not tell whether he would be satisfied with household suffrage, nor whether he would be satisfied with the charter and universal suffrage. Now giving to them this information, would, he conceived, be no more than complying with a reasonable request ;but as the hon. Gentleman had not done that, then he could only say, that he and other hon. Members who had proposed the Reform Act, with a view of establishing a different mode of representation from that which had previously existed; he could say, that they were prepared to enter into the whole subject of the Reform Act, to state the grounds and the principles on which it rested, and also the grounds why he should think, that they ought to rest now, not merely from a dislike of change, although a dislike of perpetual change would be, in his opinion, a rational objection; but he was prepared to show cause why they should abide by the principles of that act. At the same time were they to be surprised, that some hon. Gentlemen should have given, by their expressions, that which was eagerly seized upon as a triumph by the right hon. Gentleman — namely, that they should have expressed themselves discontented and disappointed with the Reform Act. But for him neither surprise nor disappointment were occasioned by the expression of these opinions. When the Reform Bill was proposed by Lord Grey, and by Lord Spencer, it was proposed as a permanent settlement of the question. It had been repeated both in that House and in the other House of Parliament, that it was proposed as a permanent settlement of the question, and that they wished to make it a permanent settlement. Those on the other side of the House opposed the measure as a dangerous innovation, but there was a third class, who said they accepted the measure not as a complete measure, but only as an instalment. They said, "We do not consider that it goes far enough—we support it as far as it goes; but we shall look for further changes in the representation." Was it, then, to be to him a matter of surprise or of disappointment, that those persons wished for further alterations in the representation? He admitted the consistency of these persons—he did not blame them; but he should consider himself as blameable if he took that course. They did not conceal at the time their wishes for a greater measure of change. They determined eight years ago to be disappointed, and he was not surprised to find, that they were now dissatisfied. As to the noble Lord, the Member for Thetford, he had in 1830 voted for universal suffrage; he had supported the motion of the hon. Member for Dublin to that effect. Could one, then, be surprised to find, that the noble Lord still entertained opinions of the same kind, and that he should now be for universal suffrage? But then the hon. Gentleman had certainly got rid of a most difficult question, when he only asked them to change, and did not tell them what the change was to be. Did the hon. Member propose to divide the country into districts, and each of them to return one Member, which he thought was the plan proposed by the chartists. If the hon. Member did so, although he might talk of nomination now, he must certainly have it then. In these districts it would be found, that where persons were proprietors of very extensive property, their influence would be used in the return of Members. Did not hon. Members know, that that would be the case where persons had very large property? This proposed change would lead persons to look for other changes, until at length they came to look for a change in the property of the country. They would look to divide the property of the country into smaller divisions, so that no power of nomination might be vested in individuals. They must look for such changes in conformity with their plan, for if they did not do that then they could not put an end to that which they called nomination. The noble Lord continued by saying: I have been blamed in this House and out of this House—I have been blamed a great deal more for a declaration which I made last year. I must beg pardon of the House for troubling it on this subject; but really, as the speech I then made has been so much abused, and as it has been made the object of attack during the whole of the recess, I trust I may be allowed to advert to the circumstances under which I made that declaration. Upon that occasion the hon. Member for Kilkenny, along with others, called for a declaration from Government. The hon. Member for Kilkenny had made a speech in which he put it forth as a matter of grave accusation against the Government, that it had not followed the example of the right hon. Baronet, the Member for Tamworth, and stated our minds upon reform, declaring how far we were prepared to go, and fixing the certain point at which we were prepared to stop. Why, it was said to us, will you not tell us how far you are inclined, and when it is you mean to stop? It was then, in answer to that call, that I made the declaration which has been so much referred to. Will any one say, that it was an uncalled-for declaration, when such sentiments were expressed by a supporter of the Ministry? Should I not have been justly attacked if I had given any one reason to suspect that we were about to support or countenance measures to which we were adverse, and to which we meant to give our opposition? Let me ask, if I had said, (as the hon. Member for Kilkenny proposed), that we meant to support the ballot, does any one believe that, seeing what has since happened, we should, without further supporting other measures proposed with respect to the franchise, have done that which would now be satisfactory to those who are the friends of change? Does any one think that satisfaction would be produced in the country if I had said, that the ballot should be an open question? Does any one believe this would have been a wise and a just course for the Government to have pursued? I think, then, that whatever dissatisfaction may have been caused by that declaration, it was far better to make that declaration, and let the policy we were about to pursue be understood, than leave it in any obscurity, or let it be supposed, that we should give a half support to the ballot, or encourage the hope, that by interfering with the franchise, any thing might be done to unsettle that which had been already settled; that all should be unsettled without having any new or rational plan on the subject. Therefore, it is, that whatever dissatisfaction my expressions have called forth, I consider that, under the circumstances I have stated, I was called upon to make it. There are, I know, expressions to be found in that speech which have been greatly tortured, and made the subject of misrepresentation, and which were made to appear, not only offensive on my part, but, in some respects, injurious to this House. For instance, I have been made to say, " That the Reform Bill was intended to give to the landed interest a preponderating influence in this House." What I referred to was the speech, or more properly speaking, the few words that I uttered at the end of the discussion on the Reform Bill. At the end of the discussion on the Reform Bill, and after it had been attacked, and declared most injurious to the landed interest, and when strong language was applied to it by Lord Ashburton, I said, that in reality, so far was that bill from being destructive to the landed interest, that, in reality, it gave a preponderance to that interest. But was that the same bill which had first gone up to the Lords? Was the bill which went up a second time to the Lords the bill which had been originally introduced? Had not a very great alteration taken place in the bill? Was there not one particularly, by which all the 50*l.* tenants at will were introduced into the constituency of the counties? Lord Althorp warned the House of the consequences of that introduction. Lord Althorp repeatedly told them, that however respectable a class of men were the tenants at will, and no man knew them better than Lord Althorp, yet he assured the House, that they were a class whose disposition was, upon all occasions, to vote with their landlords; and, therefore, introducing them would give immense power to the proprietors of land. In spite of this objection, the House adopted, by a large majority, that proposition, and, amongst those who supported it, were many of the Reformers. There were many Reformers who supported it, and I am not sure but that the hon. Member for Kilkenny supported it also. And yet, because I, seeing what was the fact, and in reply to another, stated what had been done, the hon. Gentleman writes a letter to his constituents, in which he declares (upon my authority!), that the original intention of the Reform Bill was to give a preponderance to the landed interest. I must be allowed to tell the hon. Gentleman that there is a very great difference in saying, that the Reform Bill, as it was on the third reading, gave a preponderance to the landed interest, from saying, that it was the original intention of the Reform Bill to give that preponderance. I know not whether even the hon. Gentleman understands me yet. With respect to the original intention of the Reform Bill, I speak before many who aided in introducing that bill, and who were present at its formation, and, I think, I shall be corroborated by them when I say, that the intention was to give the representation to all interests in the community. There was no wish to favour or uphold any particular party. An equal number of counties, and an equal number of manufacturing towns, were taken for the purpose of securing equality. I thought it would have been unnecessary to state this, from the explanation which was given a few weeks subsequently to my speech, by the under Secretary of State; but I find it, nevertheless, constitutes the stock-in-trade of those who attack my former speech. I really do think, that the declaration which I then made was not at variance with the general opinions of the country. The opinion of the majority of the people of this country, I do believe, is against progressive reforms in the representation, leaving the representation every year uncertain, and leading to contests, and to all those agitating circumstances which, it may be recollected, impeded all the operations of commerce in the years 1831 and 1832. My opinion, then, is, that the general sense of the country was with me when I made that declaration. I do not say, that it agrees with me in my conviction respecting the Reform Bill generally, or that greater benefits might not be derived from another mode of representation, but I do believe that they think, that having gone through the struggle for the Reform Bill, they do not believe it would be beneficial for their interests to adopt some other changes, to be made the foundation for other alterations, and also to end in a plan for universal suffrage. As to the hon. Member for Sheffield, I find it reported, that he said, that he was ready to go three-fourths of the way for universal suffrage. I think that was a great concession, and as it was said to him, "if you are ready to go three-fourths, why do you not go the other fourth and put an end to the matter?" I am of opinion with the interrogator; for if he were to go three-fourths of the way, why not go the other fourth and take up the charter at once; and whatever be the peril, and whatever may be the danger, better is it to encounter all than demand continual changes and never ending fluctuations, which the hon. Gentleman is an advocate for. In this opinion I am convinced the country coincides with me. We, as a Government, think it right to stand by the declarations of Lord Grey, and to stand by the declarations of Lord Althorp. We are not ashamed to be the followers of such men, and by their principles we are contented to abide.

Mr. *C. Buller* must beg leave, in the first place, in addressing the House, to thank the Gentlemen on each side of the House who had spoken, for the cautious abstinence they had shown that night, in respect to the affairs of Canada. He thanked them not only on the ground of the public, but on personal grounds.

Nothing could be more proper in fairness than the conduct of Gentlemen to wait for that information, which would vindicate those whose conduct must come before the House. He did not shrink from any inquiry; he courted inquiry, and was prepared for it. He thought the House had a right to have that information as speedily as possible. He wished to call the attention of the House to this fact, that his noble Friend the late Governor of Canada had discharged his duty, in giving what he believed to be a final statement of the affairs of Canada, which had been contained in the report presented to her Majesty's Ministers,—all he wished to state was, that his duty was discharged, and he only hoped that her Majesty's Government would not delay very long the opportunity of judging of that which he believed would be the means of ample vindication. He should say nothing more on this subject, but would detain the House a few moments on some of the remarks of the right hon. Member for Tamworth on the conduct of the government of the United States. The right hon. Baronet, taking for his text the information contained in her Majesty's Speech, a document which he never looked upon as containing all the information upon any subject,—the right hon. Baronet had spoken that night upon an extremely delicate subject, namely, our foreign relations. A very erroneous impression would go forth to the country if he allowed what the right hon. Baronet had said to go uncontradicted. The right hon. Baronet had stated, that he would not be satisfied with all the government of the United States had done as to issuing a proclamation. The government had done, in his opinion, all that a government could do. He would tell them what they had done; they had passed a law of neutrality, and had kept that law more strictly than we had done. They had prosecuted and convicted several gentlemen who had infringed that law; and they had doubled their army in order to keep that law. When a government had done this they ought not to say they had done nothing but utter unmeaning words. He was particularly anxious, that this should be contradicted, because he thought that the statement of the hon. Baronet might be productive of the worst effects. The government of the United States was a free government. He supposed the right hon. Baronet did not mean to upset the executive. Ought they not, in dealing with them, to work by all possible means on that government, and get it to exercise its powers in the most effectual way? What was the most effectual way? Gaining the opinion of the American people. The opinion of the people, from one end of the country to the other, was decidedly with us. The Americans dared not hold a sympathiser's meeting in any town in the United States, and in the country they had held anti-sympathising meetings. Those who had invaded the Canadas had been a set of robbers and marauders, and no government could restrain such men from going on such lawless expeditions. Would the right hon. Baronet forget that marauding expeditions had been fitted out in despite of the English Government? The right hon. Baronet's Government could not be suspected of having a very good feeling towards the government of Don Miguel. What had the right hon. Baronet's Government, with all the good intentions and power of monarchy done? Had they prevented two vessels loaded with arms and persons going to invade the Portuguese territories and had they caught those vessels before they had got twelve days sail across the Atlantic? He thought the United States could not, then, be blamed so very much because steamers had contrived to get over a half hour's sail without being stopped, or that persons should have contrived to cross an imaginary line. This conduct on the part of the United States government ought to be generously acknowledged, and they ought to thank it for the liberality with which it had endeavoured to fulfil its duties, and they ought to encourage the good feeling of the people of the United States, and not to provoke their national pride by not giving a due acknowledgment to what they had done. He would only add two or three words, certainly not more than two or three sentences, more. He was exceedingly averse, as a man of principle, in dividing on an Amendment to an Address to her Majesty's Government, to which he was hostile—to which he was not hostile. [*Laughter.*] When he said, that the present motion of his learned Friend expressed his own idea so perfectly that it was impossible for him to add more to it, he only wished to have it perfectly understood that he was not anxious to take an opportunity of opposing the Government.

He thought the principle put in force that night was one of very great importance; it was the question whether the Reform Act had satisfied the expectations of those who supported it. His learned Friend's motion went to this simply. The noble Lord had little right to say, that those who supported it had the ulterior object of cutting up everything afterwards. He must say a more startling assertion he never heard in that House. The noble Lord might put himself perfectly at rest on that subject, and he assured him, that no man that voted for the Address that night had that view. But as this was the only principle to which he wished to give his assent, he wished to carry out the principle of the Reform Bill, and the principles that were announced by the proposers of the Reform Bill; they said the object of it was "to abolish nomination and substitute representation." His noble Friend simply said, that the Reform Bill had not produced this effect, and that it ought to be carried out to the extent to do so.

The House divided on the original question—Ayes 426; Noes 86: Majority 340.

The House divided on the question, that Mr. Duncombe's Amendment be added to the Address—Ayes 86; Noes 426: Majority 340.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Attwood, T.
Barron, H. W.
Blake, M. J.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Brown, R. D.
Bryan, G.
Buller, C.
Bulwer, Sir L.
Butler, Hon. Col.
Chalmers, P.
Chapman, Sir M. L. C.
Chichester, J. P. B.
Codrington, Adm.
Collier, J.
Collins, W.
Conygham, Lord A.
Currie, R.
Dennistoun, J.
D'Eyncourt, C. T.
Duckworth, S.
Duke, Sir J.
Dundas, C. W. D.
Easthope, J.
Etwall, R.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Fielden, J.
Fenton, J.
Finch, F.
Gillon, W. D.
Grote, G.
Hall, Sir B.
Harvey, D. W.
Hawes, B.
Hector, C. J.
Hill, Lord A. M.
Hindley, C.
Hume, J.
Hutt, W.
Jervis, J.
Jervis, S.
Johnson, Gen.
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Lushington, C.
Maher, J.
Martin, J.
Molesworth, Sir W.
Nagle Sir R.
O'Brien, C.
O,Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Conor Don
Pattison, J.
Pechell, Capt.
Power, J.
Protheroe, E.
Ramsbottom, J.
Roche, E. B.
Roche, W.
Rundle. J.
Salwey, Colonel
Scholefield, J. P.
Somers, J. P.
Somerville, Sir W. M.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W. A.
Wood, Sir M.

TELLERS.

Duncombe, T.
Ward, —

List of the Noes.

Abercromby, hon. G. R.
Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Visct.
Ainsworth, P.
Alford, Visct.
Alsager, Capt.
Alston, R.
Andover, Visct.
Anson, hon. Col.
Anson, Sir G.
Arbuthnot, H.
Archbold, R.
Archdall, M.
Ashley, Lord
Attwood, W.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Col.
Bainbridge, E. T.
Baines, E.
Baker, E.
Bannerman, A.
Baring, hon. F.
Baring, H. B.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barrington, Lord
Barry, G. S.
Bell, M.
Bellew, R. M.
Benett, J.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bethell, R.
Bewes, T.
Blackburne, J.
Blackett, C.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blakemore, R.
Blandford, Marquess
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brodie, W. B.
Bruce, Lord E.
Bruges, W. H. L.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Busfield, W.
Byng, rt. hn. G. S.
Calcraft, J. H.
Callaghan, Danie
Campbell, Sir J.
Canning, Sir S.
Cantilupe, Visct.
Cartwright, W. R.
Cavendish, hon. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chetwynd, Major
Childers, J. W.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Codrington, C. W.
Cole hon. A. H.
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.

Crawford, W.
Crawley, S.
Cripps, J.
Crompton, Sir S.
Dalmeny, Lord
Darby, George
Dashwood, G. H.
Davenport, J.
Davies, Col.
De Horsey, S. H.
D'Israeli, B.
Divett, E.
Dottin, A. R.
Douglas, Sir C.
Douro, Marquess
Dowdeswell, W.
Duff, J.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncan, Visct.
Duncombe, hon. W.
Duncombe, hon. A.
Dundas, hon. J. C.
Dundas, F.
Dundas, hon. T.
East, J. B.
Eastnor, Visct.
Eaton, R. J.
Ebrington, Visct.
Edwards, Sir J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Elliot, hon. J. E.
Ellice, A.
Ellice, rt. hon. E.
Ellis, J.
Erle, W.
Estcourt, T.
Estcourt, T.
Evans, W.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R.
Ferguson, R.
Filmer, Sir E.
Fitzpatrick, J. W.
Fitzsimon, N
Fleetwood, Sir P. H.
Fleming, J.
Forester, hon. G.
Fort, J.
Fox, G. L.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, H.
Graham, Sir J.
Granby, Marquess of
Grattan, J.
Greene, T.
Grey, rt. hon. Sir C.
Grey, Sir G.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E. H.
Guest, Sir J.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. S.
Hardinge, Sir H.
Harland W. C.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcote, J.
Heathcote, G. J.
Heneage, G. W.
Henniker, Lord
Herbert, hon. S.
Herries, J. C.
Hillsborough, Earl of
Hinde J. H.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodgson, R.
Hodgson, F.
Hogg, J. W.
Hollond, R.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Lord
Hughes, W. B.
Humphery, J.
Hurst, R. H.
Hurt, F.
Hutton, R.
Ingestrie, Lord
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, W.
James, Sir W. C.
Jenkins, Sir R.
Johnstone, H.
Jones, J.
Jones, T.
Kelly, F.
Kemble, H.
Kinnaird, hon. A. F.
Kirk, P.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, W. S.
Law, hon. C. E.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Leveson, Lord
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W.
Maclean, D.
Macleod, R.
Macnamara, Major
Mactaggart, J.
Mahon, Lord
Maidstoue, Visct.
Manners, Lord C. S.
Marshall, W.
Marsland, H.
Marton, G.
Master, T. W. C.
Maule, hon. F.
Maule, W.
Maunsell, T. P.
Meynell, Capt.
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Milton, Visct.
Monypenny, T. G.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morgan, C. M. R.
Morpeth, Lord
Morris, D.
Murray, A.
Murray, J. A.
Neeld, J.
Neeld, Jos.
Noel, W. M.
Norreys, Sir D.
Norreys, Lord
O'Brien, W. S.
O'Ferrall, R. M.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Lord
Parker, J.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Parnell, Sir H.
Parrott, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pendarves, E. W.
Perceval, Col.
Perceval, hon. G.
Phillips, Sir R.
Philips, M.
Philips, G.
Phillpotts, J.
Pigot, R.
Pinney, W.
Planta, rt. hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Col.
Power, J.
Powerscourt, Visct.
Praed, W. M.
Praed, W. T.
Price, Sir R.
Price, R.
Pringle, A.
Pryme, G.
Pusey, P.
Reid, Sir J. R.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, Henry
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Russell, Lord J.
Russell, Lord C.
St. Paul, H.
Sanderson, R.
Sandon, Visct.
Sanford, E. A.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Shaw, F.
Sheil, R. L.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, J. A.
Smith, A.
Smith, G. R.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Speirs, A.
Spencer, hon. F.
Spry, Sir S. T.

Stanley, E.
Stanley, Lord
Stanley, W. O.
Staunton, Sir G. T.
Stewart, J.
Stock, Dr.
Stuart, V.
Stormont, Visct.
Strangways, hon. J.
Strutt, E.
Sturt, H. C.
Sugden, Sir E.
Talfourd, Sergeant
Teignmouth, Lord
Tennent, J. E.
Thomas, Col. H.
Thomson, C. P.
Thompson, Alder.
Thornill, G.
Tollemache, F.
Townly, R. G.
Trench, Sir F.
Troubridge, Sir E. T.
Turner, E.
Tyrell, Sir J.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Visct.
Vivian, C.
Vivian, J. H.
Waddington, H.
Walker, R.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Westenra, hon. J. C.
Whitmore, T.
Wilbraham, G.
Wilbraham, hon. B.
Wilde, Sergeant
Wilkins, W.
Williams, R.
Williams, W. A.
Wilmot, Sir J. E.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, Col. T.
Wood, G. W.
Wood, T.
Worsley, Lord
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hn. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Stanley, E. J.
Steuart, R.

HOUSE OF COMMONS,

Wednesday, February 6, 1839.

Minutes.] Petitions presented. By Captain Pechell, from Jacob Lebright, complaining of being struck out of the List of Electors for the Borough of Brighton.—By the Attorney-General, from Edinburgh, and by Mr. Pinney, from Lyme Regis, and Charnworth, for the Repeal of the Corn-laws.

Petition.—Corn-Laws.] Mr. *Wallace* said, that in rising to present the first public petition to the present Parliament, he claimed a perfect right, when he thought fit, to represent the opinions of his constituents, in the shape of a speech, if he could make one. He would not, however, attempt to do so then, as he knew, that the question would be mooted to-morrow, or soon after; and he would, therefore, refrain from availing himself of his right, and, abiding by the rule of last Session, he would content himself with stating the contents of the petition. The petition which he was exceedingly proud to be intrusted with, prayed for a total repeal of the Corn-laws, and came from the Chamber of Commerce of Greenock.

Mr. *Hume* said, that as the question was to be discussed in that House how far the resolution of last Session was to be followed, it would be much better if it were understood that either to-morrow or the day after, the discussion should come on.

The *Speaker* said, there was every reason to believe, that the matter would be discussed to morrow; but there was no necessity whatever of giving any notice, as any Member holding a petition was at liberty, by discussing its contents, to raise the question, and the House might take that opportunity of entertaining it.

Sessional Orders—Hours of Business — Peers.] Lord *John Russell* moved, that the Sessional Orders be read.

Mr. *Wallace* said it was exceedingly inconvenient to Members not to be able to see the Sessional Orders before they were brought forward in this way. It appeared to him exceedingly reasonable that they should be printed with the votes the day before.

Mr. *Hume* moved, that the Sessional Orders be printed, and taken into consideration to-morrow.

Lord *John Russell* did not see any reason for the proposed delay, but if it were the wish of the House, he would not oppose it.

Mr. *Hume* said, of course it was not the wish of the House, and least of all the Gentlemen opposite. They wished to keep every thing quiet, and to keep all the power in their own hands. He had as little occasion as any Member for seeing these Orders, having seen them and read them often; but every Member might not be in that situation. He submitted to the noble Lord whether the request of the hon. Member for Greenock was not worthy of attention?

Mr. *Wallace* said, that having mooted this question, he should be exceedingly sorry if his hon. Friend pressed it to a division. For his own part, he did not wish to interfere in any way; but if the motion were pressed, he should feel himself under the necessity of voting against it.

Mr. *O'Connell* said, that the House ought to agree at once to the motion of his hon. Friend. That was the only assembly in the world, that held its sittings when they ought to be in bed. They were beginning business when everybody else was leaving off. It was said, that some inconvenience would attend a different course of proceeding, but such inconveniences must yield to the superior convenience of doing business in the open day.

It might, indeed, be inconvenient to a few practising lawyers, and mercantile men, but to the rest of the House there would be no inconvenience. Nobody could deny, that the present hours of business were very inconvenient to persons at his time of life, and even to younger persons. He had known six or eight instances of persons coming into that House in perfectly good health, but who died shortly after, no doubt from the great change in their hours of rest, and from the unhealthy atmosphere in which they were kept. It was idle to say, that they could not conduct the public affairs except at late hours at night. Ministers had the whole twenty-four hours to choose when they would work; let them, then, sit up at night and transact their official business if they choose, and let that House go to bed. Common sense pointed out, that they ought to do business at the time when every other legislature did business. They were the only owls of the night.

Mr. *Hume* would not press his motion to a division.

The *Speaker* proceeded to read the Sessional Orders *seriatim*.

On the Order—"That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom, for any Lord of Parliament, or other Peer or Prelate, not being a Peer of Ireland at the time elected, and not having declined to serve for any county, city, or borough, of Great Britain, to concern himself in the election of Members to serve for the Commons in Parliament, except only any Peer of Ireland, at such elections in Great Britain respectively, where such Peer shall appear as a candidate, or by himself, or any others, be proposed to be elected; or for any Lord-lieutenant or Governor of any county to avail himself of any authority derived from the Commission, to influence the election of any Member to serve for the Commons in Parliament:"

Mr. *Hume* said, he wished to ask whether they were to continue to pass this same resolution year after year, when year after year it was utterly disregarded? He had sat long enough in that House to find Peers of the realm, thus prohibited by the rules of that House from interfering, and who were, nevertheless, implicated in such interference; and he had never heard that interference defended. He, therefore submitted whether it were consistent with their dignity to pass a rule which they never had enforced, and never intended to enforce—he submitted, that the resolution ought not to be read; but that Peers should be allowed to use their discretion in whatever way they should think fit. He did not wish to deprive them of the liberty enjoyed by every other subject of the realm. He thought, that one law ought to be made applicable to all; and he therefore, submitted to the House, whether this resolution was fair in itself, or becoming to the House. He should move that it be omitted.

Mr. *O'Connell* said, that this was the most arrant hypocrisy that any public assembly could be guilty of, when they perfectly well knew, that not a single election took place in which Peers who could profitably interfere, did not do so. He did not confine himself to one side of the House, for Whig Peers were as bad as Tory Peers. Why, then, in the name of common sense, come to a resolution that was totally inoperative?—and why was the House to stigmatise itself before the public by recording a falsehood, a lie, upon their journals? They knew that Peers had interfered, and that they would interfere, and if it were a doctrine of the constitution, that there was an alliance between representation and property, they would continue to interfere. No Gentleman could vote against his hon. Friend's motion except those who believed that Peers did not interfere at elections.

Lord *J. Russell* said, he had no doubt but that Peers did interfere in elections; but the question related to the degree and mode of interference. The real question was, whether this resolution which has been so repeatedly entered upon the journals, and sanctioned by the House, was indeed, totally inoperative. They knew that the interference of Peers at elections, was considerably different from that of commoners. If this resolution were not agreed to, there would be the practice of canvassing, of appearing on the hustings, and various other matters in which Peers might interfere. They might come to the elections, and speak from the hustings, things which they knew were not now done by Peers; but if this resolution were left out of the orders, it would be taken as a declaration that Peers as well as Commoners, might take those parts in election proceedings which only Commoners now took. As he did not wish to see Peers performing such acts, he could not vote with the hon. Member.

The House divided on the Order.—Ayes 157; Noes 18: Majority 139.

List of the Ayes.

A'Court, Capt.
Ainsworth, P.
Alston, R.
Anson, hon. Col.
Bagge, W.
Baines, E.
Baring, H. B.
Barnard, E. G.
Barneby, J.
Bewes, T.
Blake, W. J.
Blennerhassett, A.
Blewitt, R. J.
Bodkin, J. J.
Boldero, H. G.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Buller, E.
Buller, Sir J. Y.
Burdett, Sir F.
Busfeild, W.
Butler, hon. Col.
Campbell, Sir J.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Clerk, Sir G.
Collins, W.
Colquhoun, J. C.
Conolly, E.
Corry, hon. H.
Dennistoun, J.
De Horsey, S. H.
Divett, E.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Dugdale, W. S.
Duncan, Lord Visc.
Eastnor, Lord Visc.
Ebrington, Lord Visc.
Ellice, rt. hon. E.
Ellice, E.
Eastcourt, T.
Evans, W.
Fielden, J.
Finch, F.
Fleetwood, Sir P. H.
Fleming, J.
Freemantle, Sir T.
Gibson, T.
Gladstone, W. E.
Glynn, Sir S. R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grimston, Lord Visct.
Halford, H.
Harland, W. C.
Hastie, A.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hughes, W. B.
Humphery, J.
Hurt, F.
Hutton, R.
Jackson, Mr. Serg.
James, Sir W. C.
Johnstone, H.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W. S.
Lefevre, C. S.
Lennox, Lord G.
Lister, E. C.
Lockhart, A. M.
Long, W.
Lucas, E.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Lord Visct.
Marton, G.
Master, T. W. C.
Maule, W. H.
Maunsell, T. P.
Mildmay, P. St. J.
Miles, W.
Morpeth, Lord Visct.
Murray, rt. hon. J. A.
O'Ferrall, R. M.
Ord, W.
Packe, C. W.
Palmer, C. F.
Palmer, R.
Palmer, G.
Parker, J.
Pattison, J.
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pinney, W.
Plumptre, J. P.
Pollock, Sir F.
Price, Sir R.
Protheroe, E.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rich, H.
Roche, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrook, Col.
Russell, Lord J.
Salwey, Col.
Sandon, Lord Visct.
Sanford, E. A.
Scholefield, J.
Seymour, Lord
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Stanley, Lord
Stock, Dr.
Sturt, H. C.
Style, Sir C.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornely, T.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker, R.
Welby, G. E.
White, A.
Wilbraham, G.
Williams, W.
Wilshere, W.
Winnington, T. E.
Wood, G. W.
Wrightson, W. B.
Wyndham, W.
Wynn, rt. hon. C. W.
Yates, John A.

TELLERS.

Mr. E. J. Stanley.
Mr. R. Steuart.

List of the Noes.

Aglionby, Major
Bryan, G.
Buller, C.
Duncombe, T.
Easthope, J.
Gillon, W. D.
Hawes, B.
Horsman, E.
Leader, J. T.
Lushington, C.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Pechell, Capt.
Strickland, Sir G.
Wallace, R.
Ward, H. G.

TELLERS.

Mr. O'Connell.
Mr. Hume.

The Orders were agreed to.

Registrar of Hackney Carriages.] Mr. *Williams Wynn* wished to call the attention of the noble Lord to a question connected with the case of a Gentleman, who, being a Member of this House, had accepted of an office connected with a salary, under an Act of the last Session of Parliament, but had since resigned it, under the opinion that this appointment was of such a nature as to come within the intent and meaning of the statute of Anne. He was desirous of knowing from the noble Lord whether the facts of the case were as he described them; because, if so, he believed that the hon. Member's acceptance of the office in question vacated his seat, and that in consequence the House ought to proceed to issue a new writ forthwith for the place he represented; and he wished to know why the ordinary practice in such cases had in the present instance been departed from. He hoped the noble Lord would have no objection to state to the House all that had passed in this matter, and to lay before the House all the papers connected with the subject in order that it might be aware of all the circumstances, before it proceeded to take any steps in the matter.

Lord *John Russell* would certainly not object to give the right hon. Member the fullest information on the subject to which he referred.

ADDRESS—REPORT.] Mr. E. Buller and Mr. W. G. Wood brought up the Report on the Address.

On the question that it be agreed to,

Mr. *O'Connell* said, that yesterday evening he had taken occasion to make a few observations upon the situation of Belgium, and the manner in which the subject had been introduced into the Speech. The noble Lord the Secretary for the Home Department had condescended to say something in answer to those observations, but he must state that the noble Lord's reply, was to him far from satisfactory. He understood the noble Lord to say that Luxemburg and Limburg originally belonged to Holland; but he presumed he must have mistaken the noble Lord in so construing what he said, for he believed that there was no one fact in history better known than that since the time of Charles 5th those territories had belonged to Belgium. The first occasion on which they were separated from her was when they were turned into departments of the French republic, but now that the French dominion over them had been abolished, they ought to revert to Belgium. It was said by the noble Lord that the king of the Belgians had assented to the transfer of these provinces to Holland. Now, this statement, though founded upon the king of the Belgians having signed the treaty by which these provinces were ceded, was not correct in substance. The noble Lord must have alluded to the twenty-four articles agreed to on the 15th of October, 1831, and changed into a formal treaty on the 15th of November following. By that treaty the five Powers came to a definite agreement, which it was quite true the king of the Belgians had assented to. But the question was—was it binding with respect to the transfer of Luxemburg and Limburg? The treaty of the 15th of November was expressly made to be ratified within two months, or in case it should not, to be void. The King of Holland refused to sign it, and it never was executed in consequence of his refusal. The treaty could have been carried into execution until the 1st of January, 1832; but so far from its being ever executed, the king of Holland, on the 14th December, 1831, solemnly protested against, and refused to sign it. On what ground, then, did the king of Holland now claim the benefit of a treaty to which he had refused his assent? But a good deal more remained to be told. In 1832, the five Powers having agreed that the execution of the treaty should, if necessary, be maintained by force, Belgium applied to them so to give it operation. France and England admitted they were bound to give it effect; but Austria, Prussia, and Russia, refused. And on that occasion, the 2d October, 1832, there was a dissolution of the conference. What had Belgium gained by the treaty? Her object was to avoid the war expenses. She was, nevertheless, obliged to keep up a war establishment ever since the king of Holland refused his assent to the treaty. The king of Holland now found it his interest to assent to it; but the time for his doing so had gone by: he had not signed it within the two months which were prescribed. On the contrary, he had protested against it. It seemed to him, therefore, to be one of the greatest cruelties ever committed, that the five Powers should now come forward and impose conditions on Belgium which were virtually abandoned. The noble Lord seemed to insinuate, that the people of Luxemburg and Limburg were averse to a separation from Holland. Why, surely the noble Lord must shut his eyes to the accounts given in the newspapers, which showed, that they were not only anxious to avoid a junction with Holland, but that they carried their hostility to this extent, that they declared they would arm and die rather than submit to such a transfer. Great Britain had liberated 800,000 negroes, and were they now about to give up 300,000 men as slaves to a sovereign whose rule they justly detested, on account of the manner in which they had been formerly governed? He repeated, that it was his anxious expectation that Belgium would not submit to such treatment. Instead of avoiding by such a course the horrors of war, they would plunge that country, and all Europe, into them. Injustice, however, was spreading along the Rhine, and he wished to advert also to the impropriety of supporting the king of Prussia in his present atrocious conduct. He supposed the Gentlemen opposite saw no hardship in sending an archbishop to gaol for two years without accusation or crime, or without the interposition of any tribunal, but by the mere voice of a despot. If hon. Gentlemen opposite thought that such a course was properly taken in the case of a Catholic archbishop, he hoped he should never live to see a like measure of injustice perpetrated against a Protestant archbishop. It was a weak, and, he thought, a wicked policy, to interfere in the present state of the Belgian question. When they looked at the present situation of France, could any man venture to prophesy, that the elements of anarchy might not be let loose in a few days, or a week? And were such an occurrence to take place, could anything be more tempting to the borderers on Belgium, than to have an opportunity of flying to arms, and supporting that people in their claims to Limburg and Luxembourg? On that part of the Address he should say nothing more. One of the exceedingly well-dressed Gentlemen who had instructed and ornamented the House last night in supporting the Address, declared that Ireland wanted nothing more than corporate reform? Now, however well versed that hon. Gentleman might be in calculations with regard to cotton, he was not so well acquainted with the state of Ireland if he imagined that corporate reform would prove a panacea for all her evils. In sober and melancholy sadness (continued the hon. and learned Gentleman), let me ask, what connexion there is between corporate reform and the agrarian disturbances of that country which have occasionally terminated in such horrible assassinations? Let me adduce as an example the murder of Lord Norbury, though whether it were occasioned by agrarian causes, or not, is not exactly known. Facts are stated one day which are contradicted the next. In one of the Dublin newspapers of the beginning of January, it was stated, that the mark on the spot where the assassin escaped was imprinted not by the shoe of the peasant, but by thin boots, with nicely finished heels; and in one of those papers of the 7th of January it was stated, that a special reporter had been sent down to take a sketch of the place, and that they were ready to show it to any person who pleased to call at their office. From that time up to the 24th or 25th of January this account—that the impress of the assassin was made, not by the shoe of the Irish peasant, but by the boot of a person belonging to a superior order—was circulated without contradiction. At length it was contradicted, not by a Dublin newspaper, but by a London one. The *Evening Mail* having quoted this contradiction, commented upon it by saying, that neither account was quite correct; for the fact was, that one of the impressions was that of a peasant's shoe, and the other that of a boot, which the editor charitably accounted for in this way, that it was probably the Jesuits lent the assassin the boot. I go into these particulars because this matter has become to me one of personal interest. I understand, that it has been somewhere else observed, that I suggested that it was the son of Lord Norbury who had perpetrated this horrible outrage; and my conduct in this respect has been censured in terms as unmeasured as they would be deserving, if they had any foundation. Now, the fact is, that such a thought never crossed my mind. In a speech of mine delivered in Dublin, after correcting some misrepresentations of the press, I went on to state, that though the *Evening Mail* (the paper on which I was commenting) was remarkable for atrocious lying, it was the most atrocious and ridiculous lie of the five millions of lies which they had already circulated, to say, that it was I who suggested the idea that Lord Norbury fell by the hand of his son. That I said as soon as the calumny appeared. It seems, however, that there are others as capable as the authors of the five millions of lies of casting such an imputation; and I find, that by what may be considered the judicial decision of a grave personage, on the hearing of one side only, and without ever waiting to ascertain whether there were any answer to the charge, judgment is pronounced and execution perpetrated. It is not difficult to conclude that the person (if any such there be) capable of such conduct must be one of the worst judges that ever existed, and though he may combine the ludicrous character of a court-jester with the gravity of a judge, and be so unfit for his situation as to be deprived of it—not by an adverse party, but got rid of as an incumbrance by his own friends. They could not allow him any longer to remain in an office, for the performance of the duties of which he exhibited a total disqualification. They had replaced him by an excellent person, but nothing could diminish the contemptuous notion entertained of him by his own party. A judge of that description must have been the ridicule of the bar and the terror of clients: one who mistook rapidity for the due administration of justice, and who made decrees which served not as examples to be imitated, but as landmarks to be avoided by all future Chancellors.

The *Speaker*, interrupting the hon. and learned Gentleman, said: I must throw myself on the indulgence of the House whilst I put it to the hon. and learned Member whether it is right that he should take the course which he is now pursuing. The hon. and learned Gentleman has the fullest right to go into every statement which can bear upon any part of the Address; but I am sure I need not state the great inconvenience which must arise from having a war carried on between the two Houses—in disguise, it was true, but still very intelligibly. I think it is very reasonable and desirable that the hon. and learned Gentleman should give a correct statement of the facts to which he has referred; but I am sure the hon. and learned Gentleman, and the whole House, will feel that we at least should set a good example in our proceedings.

Mr. *O'Connell:* I am quite willing to agree, Sir, to any decision which you may pronounce. I only regret that you had not the power of preventing the attack. I have known attacks made in that House on much higher persons than the humble individual who now addresses you, without any possibility of reply. As to the attack which has been made on myself, I shall not further refer to it. I despise its malignity. I have demonstrated its falsehood, and, having done both, I may ask myself what right I have to complain when even maiden modesty cannot protect her who holds the highest station in the empire from the obscene slanders of one who has dared to pollute her name by coupling it with an insinuation too base to mention. The sycophant of one monarch and the slanderer of another, is, I admit, so foul and polluted a source, that a charge coming from it is best treated when it is despised. He may call himself the "friend of the people"—he would be the enemy of the Throne. I don't envy him the notoriety which he has acquired in either character.

Viscount *Palmerston* rose for the purpose of noticing that part of the hon. and learned Gentleman's speech in which he referred to the Belgian question. The hon. and learned Gentleman had mistaken the grounds on which his noble Friend (Lord J. Russell) had rested his statements. His noble Friend did not allude to ancient history in describing the situation of Luxemburg and Limburg, but to arrangements which were comparatively recent. By the treaty of Vienna Belgium was added to the seven united provinces. Luxemburg was constituted a separate sovereignty, as a grand duchy to be held by the same individual who was King of the Netherlands, but by a separate title, and transmissible by a separate line of succession. The kingdom of the Netherlands went to all the heirs of the king. Luxemburg descended only to his heirs male, and in case of their failure to the house of Nassau: The King of the Netherlands, as King of the Netherlands, was not a member of the German confederation, but as King of Luxemburg he was a member, and when the Grand Duchy was formed it became subject to the federal constitution, which created regulations for the members of that confederacy. When the revolution broke out it extended to Luxemburg as well as to Belgium. The King of the Netherlands, finding his own means insufficient, applied to the five Powers to restore order, and these Powers not choosing to employ force, established, at his request, an armistice between the parties, and proceeded by negociation to make arrangements. It was ultimately found that the only practicable arrangement which could be arrived at was a separation between the provinces of Belgium and Holland. But these Powers did not think themselves competent—nor were they so according to the treaties which governed the relations of European states—to deal with the question as to the province of Luxemburg. And the hon. and learned Gentleman would find, if he looked to one of the earliest of the protocals which had been referred to, that the five Powers declared they had no competency to deal with this part of the question, but that the German Confederation had full liberty, if they thought fit, to employ force in order to establish in the Grand Duchy the rights of the Grand Duke. The conference then proceeded to deal simply with the kingdom of the Netherlands, and the principle which they laid down for the separation of the kingdom into two parts was this: that Holland should continue to retain everything to which she was entitled under the treaty relating to the seven united provinces in 1792; and that all the rest of the country which constituted the kingdom of the Netherlands should be annexed to that of Belgium. But that division did not include Luxemburg and Limburg, which continued under the Grand Duke. It was one of the fundamental rules of the confederation, that no territory could be alienated to another state without the consent of the Diet. The five Powers, therefore, had no authority to deal with the question as regarded Luxemburg and Limburg—that belonged to the Diet alone. But in the progress of the negotiation the Belgian government expressed a strong desire that a portion of Luxemburg and Limburg should be added to Belgium, and make a part of that kingdom. The Conference said that they had no objection to such an arrangement, if they obtained the assent of all the parties whose consent was legally required. The Austrian and Prussian ministers in the Conference were requested, therefore, to address the Diet, in order to obtain their authority for negociating this transfer. The Diet gave the permission which was sought, but subject to this condition, that if part of the duchy of Luxemburg were added to Belgium, there should be given by the King of Belgium in return some equivalent portion of territory. The Diet then agreed to the cession on the condition that there should be a territorial equivalent, but not without it. The Belgian government consented to these terms, and the Conference negociated an arrangement, by which it was agreed that for the incorporation of Luxemburg, in the kingdom of Belgium, an equivalent should be given by Belgium to that duchy. This arrangement formed part of the twenty-four articles, which the hon. and learned Gentleman had not kept sufficiently distinct from the treaty which was formed afterwards on those articles. It was perfectly true, as stated by him, that the twenty-four articles were accepted by Belgium, and not by Holland; and if, therefore, no other transaction had taken place except the communication between these parties of the twenty-four articles, the hon. Gentleman might have contended that articles accepted on one side, and refused on the other, did not constitute an agreement of sufficient validity to be acted on in future times. But that was not the course which was taken. The Belgian government accepted these articles in October, and in the following November they were converted into a regular and formal treaty, concluded between the King of the Belgians and the five Powers. From that moment the treaty was binding on Belgium on one side, and on the five Powers on the other; and it became a matter of indifference between the contracting parties, whether Holland had or had not accepted the twenty-four articles. The five Powers were entitled to keep Belgium to the terms of the treaty, and Belgium was in turn empowered to claim their observance of it. The hon. and learned Gentleman said, it was very true that the treaty was concluded, but the five Powers did not concur in executing it. He admitted that three Powers declined to be parties to its operation; but they did not do so because they did not assent to the binding nature of the treaty. Their objection was to the mode of operation which was proposed to be given to it, and they said they wished to adopt other modes of coercion before they had recourse to that which the French government deemed necessary under the circumstances. But the Belgian government had at various periods, and at none more strongly than at that to which the hon. and learned Gentleman had alluded, invoked that treaty as the charter of its rights, and the covenant on which it rests its claim to independence. Therefore, it was preposterous and most unjust for the Belgian government, after appealing to that treaty for eight years as the charter for their existence and the record of their rights, now to turn round on Europe and to declare, because they found it convenient and it suited their inclination, that the fundamental articles of that treaty should not be observed, and they were at liberty to treat it as not of a binding nature. The hon. and learned Gentleman had said, that lapse of time should have invalidated that treaty, and that the Belgian government had not enjoyed its advantages, because they were obliged to keep up a large establishment. He admitted the latter part of the statement, the Conference admitted it, and by the treaty which was now proposed and accepted by the King of the Netherlands, in consideration of the war expenses, a sum due as debt by Belgium, amounting to 68,000,000 of florins, or 5,000,000*l.* was wiped off. The question, then, was this—the Belgian territory having been defined by a treaty to which she owed her existence as an independent power, and every part not included within the limits of that treaty, really not belonging to her, and being admitted not to belong to her by her own solemn and recorded signature, would not any attempt to appropriate to her those territories to which she had no claim be as aggressive an invasion of the rights of other powers, as if we were to march an army into a country for the purpose of making a violent attack upon it? It was quite true, that Belgium continued to occupy this territory since the conclusion of the treaty, but she did so by sufferance only. And so far from its being an injustice in the five Powers to refuse to add Luxembourg to the kingdom of Belgium, it would be an act of the grossest injustice if they agreed to make so violent a seizure of territory, which they had no right to transfer in such a manner. So far, therefore, from the Conference handing over 300,000 men to a sovereign that they did not wish to live under, or making any change in their condition, all the Conference did was to leave them where they found them after the treaty of Vienna, and not to exercise a distribution of territory, which, on the principle assumed by the hon. and learned Gentleman would, he admitted, be unjust. But the case being as he stated, the censure of the hon. and learned Gentleman applied not to what the Conference had done, but to what they refused to do, and what the Belgian chambers at least wished that they should do. With regard to the disposition of the inhabitants of those provinces, that was a matter on which neither the hon. and learned Gentleman, nor the hon. Member for Kilkenny, nor he could speak with authority. But his belief was from the information which he had received, that the mass of the inhabitants of those provinces did not feel very strongly on the subject, but whether they did or not, all the English Government said was—"we found them by the treaty of Vienna subject to the Grand Duke of Luxembourg, and we are not prepared, by an act of violence, to wrest territories from those States to which, by the treaty of Vienna, they properly belonged." As to the internal government of Prussia, that was a subject on which none, in that House, were entitled to pronounce an opinion. He should not follow the hon. and learned Gentleman into a discussion on that point; but he might at least venture to say, that the conduct of the Prussian government towards its subjects had been marked by liberality—he spoke of its general conduct—and a strong case should be made out of particular hardship before he could convict the Prussian government of a departure from those general principles which had heretofore guided its administration.

Mr. Shaw thought it of very great importance that the House should be set right with respect to the particulars of the print of the shoe of the assassin on the spot where Lord Norbury was murdered. The facts, he believed, were ascertained to be these: Immediately after the murder, no trace of any boot was discovered, but some time subsequent to it a young boy, who was now at Eaton, a son of Lord Norbury, had held a paper whilst a drawing was made of the spot, and of course left the mark of his boot there. But something more remained to be explained; for he must say that it struck him, as it did many others, that the hon. and learned Gentleman opposite, though he abstained from mentioning names, still insinuated, and endeavoured to have it spread through the country, that the murder was committed by some member of the family. Now the fact was that, the print of the boot was that of a younger brother. He must state however, that the insinuation which had been sent industriously through the country impressed his mind with the conviction that though the murder was atrocious, wanton, and unprovoked by any motive, which usually influenced the commission of crime, it was exceeded by casting on a family, plunged in the depth of affliction by the bloody outrage, the cruel, inhuman, and unmanly insinuation that the father of the family fell by the hands of one of his children. He owned that this conduct struck him as practised for the purpose of drawing away public attention from the real cause of demoralization, and from the real criminal by whose act the country had been so foully disgraced. He was confirmed in this view by recollecting that very shortly before a Protestant clergyman was shot at, and that when the assassins were pursued, they rushed to a crowd which was collected before the doors of a chapel, and when these people saw that the murderers had their coats off, they took off theirs, and by that means their escape was effected. He thought it a very natural mistake for the Seconder of the Address to say that corporate reform was the only measure that now remained to be carried in order to pacify Ireland, for a reference to the state of the corporations was the only allusion made in her Majesty's Speech to the affairs of Ireland. He certainly could not but feel that in the present state of the social condition of that unhappy country, where there was no security for person or property, where the law could not be enforced, or liberty or life enjoyed; where within one year there had been 142 attempts at murder, and in a single county in the interval from one assize to the other, twenty-two attempts at murder; where the public mind was filled with the recent attack on Lord Norbury—it did appear to him to be a mockery of the wants and sufferings of Ireland, that her Majesty's Ministers should say that the reform of the Irish corporations, by which a change was to be effected in the municipal Government of eleven cities and towns, containing 200,000 inhabitants, the great majority of whom cared very little for such a change, was the only thing worth mentioning as essential to the interest, welfare, peace, and happiness of that country. [*Cheers from Lord John Russell.*] The noble Lord (J. Russell) seemed to dissent, but he could not gather any other allusion from the speech. Was the noble Lord prepared now to say that he was about to introduce any measure bearing upon the social condition of that country? If the subject were not taken up by abler hands in this or the other House, he should feel it his duty to make some motion on the subject, and he was extremely anxious to know what course her Majesty's Ministers meant to pursue with respect to the alarming condition of that country.

Mr. *O'Connell* hoped he might be permitted just to say that the hon. and learned Recorder had given a very satisfactory explanation of the mark of the boot. But this explanation he heard now for the first time. It had never been published in any paper in Ireland. It was astonishing that somebody did not before give the information which the hon. Recorder now disclosed. The hon. and learned Recorder had also referred to the murder of a clergyman which he heard of now for the first time also. What was the clergyman's name? [*Mr Shaw*: Mr. Marcus Beresford.] Some months had elapsed since that occurrence had taken place, and there was a controversy as to the facts which were alleged by the hon. and learned Gentleman. As to the number of murders committed in Ireland, they were in the proportion of only one to seven when compared with those perpetrated in England during the last three months.

Mr. *Plumptre* expressed his deep regret that her Majesty's Ministers had taken no further notice of the state of Ireland than to intimate the necessity of corporate reform. Concession was much talked of, but for his part he was satisfied that concession had been but the fruitful parent of further demands, and not of satisfaction or of peace, and he much feared that they would yet reap a bitter harvest from the concessions which had been made. That was the view at least, which he entertained of the recent policy adopted with regard to Ireland. For his part he would say, free her from the dominion of priestcraft, and from the selfish demagogues who for their own ends, disturbed by perpetual agitation the tranquillity of the country, and allow the people to have the free and unfettered use of the scriptures. To deprive them of free access to the scriptures was, in his opinion, the cruelest of despotisms, and he was persuaded, that if the people of Ireland were allowed the free use of the scriptures, peace would soon be restored, and the people would soon learn that their pretended friends kept a knowledge of the scriptures from them in order to maintain them in ignorance, that they might thereby accomplish their own selfish purposes. To extend a free knowledge of the scriptures to the people of Ireland was the best measure that could be adopted to restore tranquillity to that country, and to promote the best interests of the people; and the extension of that knowledge to the Irish people was the best hope he had for that country; nor did he despair that in time the Irish people would discover who their real friends were; and he was confident, that in the progress of improvement they would rise up in a body and demand the free use of the scriptures as their dearest right. Much had been said of the confidence to be reposed in Parliament, but for his own part he could feel little satisfaction in expressions of confidence in the wisdom of their deliberations, and in the measures which they adopted. The last paragraph of the Speech from the throne was that which he liked best. In that paragraph her Majesty said, "I confidently commit all these great interests to your wisdom, and I implore Almighty God to assist and prosper your counsels;" and he was not ashamed to say that the only safe refuge of nations, as of individuals, was in Almighty God. In that refuge was his best hope for the safety of the country, and he did trust and believe that throughout the country there was a growing sense of religion, and that sober sense and sound feeling would again actuate the people and prevent them from going far astray, as regarded the best interests of the nation. With regard to the Amendment of last night, he confessed that he did not know whether or not the evils to which he had alluded were attributable to the Reform Bill or whether they could be remedied by an extension of that measure; but if they could, he for one would not be a finality man. Much had last night been said of delegates sent to up to other parliaments than the Imperial Parliament, but while he considered that the people had an undoubted right to meet and to petition that and the other branch of the Legislature, he thought the system of delegates which had been alluded to a novel feature in the history of this nation, and that such a system ought to be discountenanced by the Government. There was another topic which had been introduced into the debate of last night, although it had not been mentioned in the Speech from the Throne —he alluded to the question of the Corn-laws; and so far as the great agricultural county which he had the honour to represent was concerned, he could say that there was but one feeling on the subject, and that feeling was that the existing Corn-laws should not be altered, or a fixed duty substituted for that which was now in operation. He knew that the landlords were reproached as being selfish on this great question, and only studious of their own interest, but he begged totally to deny the charge, and he would say, after mature consideration, it was his conscientious belief that the existing Corn-laws were not only advantageous to the agriculturists, but that they were calculated in an equal degree to promote the welfare of the community at large.

Mr. *Langdale* remarked, that in the estimation of the hon. Gentleman who had just sat down, and of some others whose opinions coincided with his, the distribution of the scriptures in Ireland was to be a panacea for all the evils which afflicted that country. That was a doctrine which he (Mr. Langdale) would never hear advanced without rising to enter his protest against it. In no county in the kingdom had the scriptures, it was to be presumed, been so widely diffused as in the county (Kent) which the hon. Gentleman represented, and yet there was no county in the kingdom so deeply disgraced, as recent unhappy events proved, by ignorance of scriptural truths.

Mr. *Hume*, amidst general cries of "Spoke," expressed a wish to ask one question with respect to Belgium. He wished to know whether he understood the noble Lord (Lord Palmerston) correctly, that Belgium had invoked the five great Powers to carry into effect the treaty of November, 1831? Again, the noble Lord had remarked, that the affairs of Holland and Belgium were to be settled by the laws of Europe, as those laws were defined and laid down in the treaty of Vienna. If that were so, he wished to know whether the laws of Europe were to be applied to Poland, and whether the constitution of that country was to be restored?

Viscount *Palmerston*, replied, that when he said, that the Belgian government had invoked the five great Powers to carry out the provisions of the treaty, he referred to a period antecedent to the capture o. Antwerp. When the hon. Gentleman asked when the conference separated and when it was reunited, he (Lord Palmerston) could only remark, that it was never dissolved. It ceased to sit after the expedition to Antwerp, which took place in November, 1832; but it resumed its sitting in the following June or July after Antwerp had been taken, and after the Dutch government had pledged itself to negociate a renewal of the treaty of peace. If the Dutch government should now accept the terms proposed, and Belgium should refuse to do so, then the five Powers would give to Holland the support to which she would have acquired a right.

Sir *R. Peel* had two questions to ask the Government. The first had reference to the proceedings of the Governor-General of India, to which allusion had been made in the Speech from the Throne. In that Speech there was a reference to certain "engagements" into which, it was stated, the Governor-General had entered for the protection of British interests in that quarter of the world, and it was added, that the fulfilment of those engagements "might render military operations necessary." He wished, therefore, to know, whether any papers were to be laid upon the table of the House containing an explanation of those engagements, whether their nature and objects would be fully developed, and whether they would enable the House to form a correct judgement of the actual condition of the whole north-west coast of India?

Sir *J. Hobhouse* said, it was the intention of the Government to lay those engagements themselves upon the table of the House, and he should be ready to give any explanation of their object, or to produce any other papers which might be considered essential for enabling the House to arrive at a correct judgment as to the actual position of our Indian possessions.

Sir *R. Peel* said, his other question related to Canada, and the subject to which it had reference was also alluded to in the Speech from the Throne. In that Speech her Majesty had invited them to take into their serious consideration the present state of the Canadian provinces, and he begged, therefore, to ask the noble Lord, what course her Majesty's Ministers intended to pursue on this important question? He understood, that certain papers and documents were to be laid upon the table of the House, having reference to the state of Canada, and when those papers were before the House, he wished to know whether the paragraph in her Majesty's Speech meant to convey an intimation that the Government would on their own responsibility, as the confidential advisers of the Crown, submit to Parliament any measure or measures relating to the constitution of Lower Canada, and to our other North American possessions?

Lord *J. Russell* said, that the papers to be laid before Parliament having reference to Canada were of two kinds. The one class of papers embraced the despatches relative to Canadian affairs, which had been received since the termination of the last Session of Parliament, and those he hoped to be able to lay on the table tomorrow or on Friday. There was, however, another paper, a most important one, which the Government had only received within the last few days. He alluded to the report which Lord Durham had made to the Government in his capacity of Lord High Commissioner; not the communications which the noble Lord had made as Governor, but the report which he had made as the head of the Commission which had been issued. That report was a most comprehensive one, embracing the whole question in regard to the constitution of the Canadas, and the whole of those important topics which had reference to the moral, social, and political condition of the colony. That report wa , from its very nature, of considerable length, and as the Government had not yet had time to give it that attention to which its importance entitled it, it was impossible for him to say at that moment what course her Majesty's Ministers would adopt in regard to it — whether they would or would not introduce any measure to Parliament founded upon it. If, on mature consideration, the report was considered a proper foundation for measures regarding Canada, then it would at once be laid upon the Table of the House, and those measures would be submitted to Parliament by the Government. But in the course of a few days he should be able to state more fully the intentions of Ministers, and he trusted the right hon. Baronet would not think that it was incumbent on him (Lord J. Russell) to express a more decisive opinion on the subject of the report at that moment, or that the delay of a few days was not required for the consideration of so important a document.

Sir *R. Peel* had no wish to press the noble Lord too closely, or to precipitate the introduction of those measures which her Majesty's Ministers might have in contemplation. But as they were called upon by the Address to assure her Majesty that they would take the present state of the Canadian provinces into their most serious consideration, without delay, and as her Majesty in the Speech from the Throne had said, in reference to Canada, "I rely upon you to support my firm determination to maintain the authority of my Crown, and I trust that your wisdom will adopt such measures as will secure to those parts of my empire the benefit of internal tranquility, and the full advantages of their own great natural resources," and as they were called upon to assure her Majesty of their support, he did infer from the paragraph of the Royal Speech which he had quoted, as well as from the address in reply, that Ministers did intend in the present Session of Parliament to introduce some measure relative to Canada. He had no wish to press the noble Lord to state the day on which the measures of the Government would be brought forward, but he thought it was but fair and reasonable that they should understand whether any measure having reference to Canada would be introduced by the Government during the present Session.

Lord *J. Russell* had no hesitation in saying, that it was the intention of her Majesty's Government to submit to Parliament in the course of the present Session a measure for the settlement of the affairs of Canada.

Mr. *Leader* hoped, it was not the intention of the Government to refuse the production of the report made by the Earl of Durham.

Lord *J. Russell* had never said that it would be withheld.

Colonel *Sibthorp* took the opportunity of giving notice, that on Tuesday, the 19th instant, he would move for a return of all the expenses attending the unfortunate commission of which Lord Durham was the head. Last year, a return was made in which it was stated that the expense of fitting out the Hastings, the ship in which Lord Durham was to sail, would not exceed *525l.* He believed, that in point of fact, the mere French polishing of the ship had considerably exceeded that sum. He further believed, that large sums had been expended for fur cloaks and champagne. If that were so, every cloak and every cork ought to be accounted for.

The *Chancellor of the Exchequer* remarked, that the House and the public were already aware, that the circumstances under which Lord Durham entered upon his mission, were the ordinary circumstances under which any other nobleman or gentleman would enter upon a similar undertaking. Lord Durham received no salary whatever during his stay in Canada; but his expenses were paid in precisely the same manner as the expenses of individuals employed in foreign missions were always paid, and precisely the same information would be given to the House with respect to them. He did not think, that either the public or the House of Commons would be disposed to judge of the services of Lord Durham by a reference to the number of fur cloaks worn by himself or his suite, or to the number of corks drawn at his table. The subject was, undoubtedly, worthy the attention of the House; but it would be approached and discussed upon principles totally different from those laid down by the hon. and gallant Member.

Colonel *Perceval* complained, that the noble Lord, the Secretary for Ireland, had not screened the rev. Mr. Beresford from the doubt which had been raised as to whether he had actually been fired at or not. The noble Lord was perfectly aware of the fact, that Mr. Beresford had been shot at, and that large rewards had been offered by the law-officers of the Crown for the apprehension of the offenders. He (Colonel Perceval) must also express his surprise, that Ministers, in framing the Queen's Speech, should wholly have neglected to advert to the state in which her Majesty's loyal subjects in Ireland were placed by continual incitements to insurrection and murder, coming from those to whom, he was sorry to say, Government mainly looked for support.

Lord *John Russell*, adverting to the complaint made by the right hon. and learned Member for the University of Dublin (Mr. Shaw), that no allusion was made in her Majesty's Speech to the social condition of Ireland, observed that it was not usual in Speeches from the Throne to enter into any remarks upon the condition of the country unless it were the intention of Government to call for some specific measure in reference to that condition. If the right hon. and learned Gentleman meant to ask whether it were intended to introduce any measure, the specific object of which should be to amend the social condition of the people of Ireland, he must say that he had no measure of that kind to propose. He had always considered that the general principles which had been thought useful and conducive to the prosperity of other countries, would be conducive to the prosperity of Ireland. He believed that the general extension of freedom and of political equality, the diffusion of education, the endeavour to relieve destitution and to afford employment to the people—all these which were the usual and ordinary resources applied by governments to improve the condition of other countries, he believed were likewise measures that would be conducive to the welfare of Ireland. If, however, the right hon. and learned Gentleman should think proper to bring forward my specific measure relating to the social condition of the country, he should be ready to enter into the debate upon the subject, and be prepared to show the means by which the social condition of Ireland had been made to exhibit some features which it was painful to behold. Or, if the right hon. and learned Gentleman was not prepared to bring forward any specific measure, by which the results he desired might be brought about, he must say, that he thought there was nothing which the right hon. Gentleman could do, or that others belonging to both parties in Ireland could do, that would be better for the social condition of the country than the endeavouring somewhat to temper the rancorous hostility of either party, and to restrain the violent and intemperate language held by both. The hon. and gallant Gentleman who last sat down had not only repeated what the right hon. Gentleman (Mr. Shaw) had said, and which he thought was said by him very unjustly, that the law-officers in Ireland had neglected to enforce the law; but the hon. and gallant Gentleman had said that there were in Ireland excitements and incitements to murder and violence by persons who were the supporters of her Majesty's Government. He knew of no incitement or excitement to murder by any such persons. He utterly denied the imputation, and must say, on the part of the Government, that if they saw any such incitement or excitement, instead of looking on tranquilly or with indifference they would feel it their bounden duty, not only to suppress it, but to pursue by all the means of justice the persons guilty of any such conduct.

Captain *Boldero* said, that in her Majesty's Address to the House of Commons, there was the following paragraph:—I fully rely on your loyalty and patriotism to maintain the efficiency of these establisments which are essential to the strength and security of the country." He presumed that alluded to the army and navy. The security of the country was assailed on many sides. There was war in Canada, he believed there was war in India, and there was a display of warlike intentions on the coast of Spain, besides the supposed intentions of Russia. He hoped that when the estimates of the army and navy were laid on the table, they would be placed on such a footing that England would be prepared for danger, from whatever quarter it might come. He maintained that our armaments at this moment were not adequate to the danger that threatened us.

Viscount *Morpeth* said, that as the gallant Member opposite (Colonel Perceval) had complained that he had not given any contradiction to the statement of the hon. and gallant Member for Dublin respecting the Rev. Mr. Beresford, he owed it to the rev. gentleman to state that he knew of no circumstance, and was in possession of no evidence, that should raise any doubt as to the reality of the facts stated be the rev. gentleman in any point.

Mr. *Hume* could not refrain from calling the attention of the noble Lord, the Secretary of State for the Home Department, to the melancholly business that was now going on in Canada, and which was not calculated to do any good to this country, in the public mind either of America or Canada. He saw by the *Gazette* which he held in his hand that on the 4th of January last, four more executions took place in Canada. He wished to submit to the noble Lord whether these executions, in cold blood, should be allowed to go on, now that it was thought that everything there was in a state of quiet, and had been so for some months past.

Lord *John Russell* replied that when the papers to which he had already alluded should be laid before the House, they would afford hon. Members that information which was necessary, in order to enable them to consider the subject. If the hon. Member alluded to the executions which had taken place in Lower Canada. [Mr. *Hume*: Upper Canada.] The papers will relate to them, and he did not believe that the Governors of either Upper or Lower Canada had carried the law into execution further than was absolutely necessary.

Report agreed to, and the Address

ordered to be presented to her Majesty in the usual form.

HOUSE OF COMMONS,

Thursday, February 7, 1839.

Answer to the Address.] The *Speaker* said, that he had to acquaint the House that he had waited upon her Majesty with the Address of the House, to which her Majesty had been pleased to give the following most gracious answer:—"I thank you for your loyal and dutiful Address. I receive with satisfaction the assurance of your dutiful support in maintaining the authority of the Crown in my Canadian provinces. I rely with confidence on your zealous assistance in upholding the observance of the law, and on your careful consideration of the weighty matters in which you will be engaged."

Corn-laws.] Mr. *Christopher* said, that seeing the noble Lord, the Secretary of the Home Department in his place, he would venture to put to him a question upon the subject of the Corn-laws. The hon. Member for Wolverhampton (Mr. Villiers) having given a notice of motion on this subject for the 19th instant, and the noble Lord having publicly declared in favour of a fixed duty in preference to the present graduated scale, he wished to know whether, when the motion was made by the hon. Member for Wolverhampton on the 19th, it was the intention of the noble Lord to meet that motion by an amendment, recommending a moderate fixed duty, or whether it was his intention to meet it with a direct negative?

Mr. *Villiers* hoped the House would allow him first to say, in answer to the hon. Member's question, that it was not his intention to raise the general question upon the motion of which he had given notice. He would merely move that the House do hear evidence in support of particular petitions, and it was his intention subsequently to move the House upon the general question.

Lord *John Russell*, after the explanation of the hon. Member for Wolverhampton, would say, that it certainly was not his intention to move any Amendment, proposing a fixed duty, to that hon. Member's motion. He was not likely to commit himself so far as that with regard to a motion which he had not heard stated. But the impression on his mind was, that it would be his duty to oppose the motion of the hon. Member for Wolverhampton, as to hearing evidence at the bar. He had not as yet found sufficient reasons or precedents to induce him to adopt that course. At the same time he must say, that as there would be a great deal of discussion relating to facts, when a mode was proposed which he thought conformable to precedent, and not inconvenient to the House, by which these facts could be ascertained, he should be willing, although not ready to propose it himself, to support a motion so to ascertain the facts. As the hon. Gentleman had referred to this question, perhaps he might be permitted to add, with reference to the observations that had been made elsewhere, and which had startled him, that since the formation of the Government of Lord Grey, this question had always been an open question with the Members of the Government. Lord Althorp stated, in 1834, that the Cabinet was right in resisting any alteration of the Corn-law, but he stated, at the same time, that his own opinion was in favour of an alteration, but not at that time. His opinion was similar to that of Lord Althorp, in favour of alteration, but, in 1834, he considered that the time for alteration, had not arrived. He must, however, now declare, that in 1839, the time had arrived for entertaining the question.

Sir *Robert Peel* said, he did not mean to follow the example of the noble Lord, and to discuss this important question, whether or not, upon such a subject as the Corn-laws, that agitated the public mind so much, Government ought or ought not to have a collected opinion. That was not the question put to the noble Lord, but the noble Lord, in professing to answer a question, had gone into a history of the opinions of the Cabinet with respect to the Corn-laws. That was a very inconvenient course. He wished to ask the hon. Member for Wolverhampton whether the House were to take for granted that he would bring forward the motion of which he had given notice.?

Mr. *Villiers:* Most Certainly.

Subject dropped.

Presentation of Petitions.] Mr. *Ward* rose to present a petition, which had been agreed to at a public meeting of the inhabitants of the town which he represented, to which the seal of the master cutler was affixed, and which had received the signatures of 13,000 persons, including the most influential merchants and manufacturers of the town, during the few days it had remained for signature. The petition was for the entire and total repeal of the existing laws regulating the importation of foreign corn, and he felt bound to say, particularly after the notice he had given of his intention, and considering that this was a subject of such transcendant importance, a subject so vitally interesting to his constituents, that he should claim and assert the ancient right of being heard in support of the petition of those whom he represented. It was his intention to travel out of the routine of presenting petitions, to make some statements to the House, and he must most respectfully deny the existence of any order or regulation by which he could be stopped in the discharge of what he considered his duty to those who had sent him there.

The *Speaker*, interrupting the hon. Member, said, that under the peculiar circumstances the House would probably think, that that was the proper time for him to make some few observations, in consequence of what had fallen from the hon. Member. It would be in the recollection of the House, that upon various occasions he had expressed his desire that some positive opinion should be expressed by the House on this subject. He admitted, that it was of the very greatest importance, and affected the rights of the people, as well as the order and practical proceedings of that House. The hon. Member had stated, that there was no rule of the House by which any limitation was put upon the extent of statements in presenting petitions. It was perfectly true, that there might be no rule recorded on the journals of the House; but he need not state to the hon. Member for Sheffield, or to any other Member of that House acquainted with the forms of Parliament, that the order in question was like a great number of those orders which were acknowledged to be of great utility and were established by the practice of the House. The rules and regulations of the House arose from the course of practice. It was the duty of the Speaker to enforce these rules, so far as he understood them; and he knew of no test by which, in cases of doubt, they could be ascertained, except by the declared opinion of the majority. When that was ascertained, it was the duty of the Speaker to see that it was acted on, and in all such cases the minority would necessarily bow to the decision of the majority. If it were otherwise, and if every hon. Member were to take his own course on any regulation or practice on which the House had no recorded opinion, it would create an inconvenience which would render the Speaker's duties, already not very light, exceedingly onerous, and raise up a serious impediment to general business. The regulation now under consideration had, if he rightly understood it, grown up with the sanction and concurrence of the House itself, and had been acted upon with, in his opinion, much public advantage during four Sessions. It arose out of these circumstances; various suggestions were made and various plans adopted with a view to remove the interruption to the public business occasioned by lengthened debates upon petitions, and several experiments were tried, the result of which was, first, morning sittings, which were established to facilitate the presentation of petitions. But this was not successful, for the morning sittings were established in February 1833, and in May of the same year, in consequence of the great accumulation of unpresented petitions it became necessary to refer the subject to a committee to consider the best means by which the presentation of petitions might be facilitated. There had never been, since had the honour of being in the chair, any apparent inclination to revive the morning sittings. If debates were to be continued according to the former practice on petitions, it was for the House to consider how the public business could be conducted. Under these circumstances, the rule had grown up, and it was for the House to decide and dispose of the question. It was his duty to add not only on behalf of himself, but of those who would have the honour of filling the chair after him, that whatever rules were established, whilst they preserved the rights of all Members, and facilitated access to that House on the part of all classes of her Majesty's subjects, the House should take care to make those rules clear and explicit, so as to be a guidance for the Chair on all future occasions. He was free to confess that the leaving of the Chair anything like a discretion, whether this or that particular subject or question was of that degree of importance which justified its being entertained as a subject of discussion, was a discretion which it was unfair to leave in the hands of the Speaker, as any attempt to exercise it would involve him in personal conflicts with individual Members of the House, which would be very undesirable and might be subversive of his authority. With these observations he would leave the matter to the House to deal with it as it should think most fit and expedient, merely stating, that he concurred with all those who thought the subject one of great and pressing importance.

Mr. *Ward* had listened with that respect which he had always felt for the individual who presided in the chair, to the observations which he had addressed to the House. He concurred entirely in the justice of those observations; but he doubted whether the Speaker could undertake, unless fortified by some previous decision of the House, and by a clear rule with regard to the presentation of petitions, to check and control individual Members in the discharge of what they regarded as their duty. But he, and those who thought with him on this most important subject, felt that, in a matter so deeply affecting the rights of the people, as all matters connected with the right of petitioning were, there should be no appeal to any thing but a clear and definite expression of the sense of the majority. They had no such thing here, there was nothing but an understanding originating how they did not know, of which there was no record on the Votes or the Journals—a shadow by which he did not conceive himself bound, when he claimed and asserted the high privilege of being heard in support of the petition which he presented. He would, however, lay aside the present petition, and address himself to the general question. Under the present regulations they confined themselves to the appointment of a committee who analysed all petitions, gave an abstract of their contents, and reported the number of signatures, thus preventing the petition from being heard and discussed in that House, dismissing it without remark or remonstrance, although it might contain the sentiments of many thousands of intelligent men. This was the practice that had grown up recently: and although he admitted the force and truth of what had been said, that something was due to antiquity, and that old custom gave force to rules, and induced them to look to them as the necessary guides of their conduct; yet here they were not acting on old maxims, they were not here reverting to the maxim *stare super antiquas vias*, this was, in fact, a departure from old maxims. There was unquestionably a good deal of inconveniance arising from protracted discussions on petitions, but if there was inconvenience in that view, he was sure there was infinitely more in a practice that occasioned feelings of distrust and disgust, and which engendered a universal feeling throughout the country, that the petitions never received that attention that ought to be shown to them. When a petition came into that House, under the weight of which the Member carrying it groaned, to which were attached the names of intelligent and thinking men, which related to a subject most vitally interesting, upon the particular measure, for instance, referred to in this very case, the Corn-laws, what reception was given to it? The Member presents it, it is read in the shortest possible manner—he might say in the most unintelligible manner, without meaning any disrespect to the clerk at the Table, who merely discharged his duty—it is then consigned to a bag, in which it is carried out of doors, and never seen in that House again. Yes, they were analysed, and the number of signatures and the nature of the petition were stated. He did say that this was a rule which the House could not and ought not to continue. There was no actual vote or record expressing the sense of the majority by which the minority was bound—there was nothing expressly recorded to check any individual in Parliament from speaking upon a petition. The consequence of this would be that every individual Member would be involved in unseemly opposition to the orders of the House, and would be forced to show something like disrespect, because he could not bow to them with that deference which all must feel anxious to pay. He would be placed between two conflicting duties, and must prefer his duty to the public to deference to orders or conventional usages on the part of the House. A contrary practice might be attended with some inconvenience; but it would not be attended with half such serious and fatal consequences to their influence throughout the country as would arise from the disruption of all the ties that connected them with those whom they represented, and which would render them unable to bring before the country the sentiments of those who had no actual and direct representation. He merely threw out these observations, he would not make any motion on the subject; but he claimed and asserted distinctly his right to speak upon petitions, and not only those which he presented himself, but those which he was called upon to support; and his right to open a discussion on any petition which any other Member might present which he thought of sufficient importance to require discussion. If any opposition was made, by persons better able to draw a line for their guidance to this course, from them the motion must come. He distinctly claimed the privilege he had stated; and with all respect for the House, and with a sincere desire to have the question settled, he would leave it in their hands. He would, as he said before, decline making any motion, but he would assert, in common with many Members, his privilege of speaking upon petitions when the occasion required it.

Lord *John Russell* said, that in the present stage of the question all he would say was, that he entirely concurred with the Speaker that the rules of the House were matters of practice, and as long as a practice was confirmed by the majority of the House, and appeared to meet the general sense, it was their duty to enforce that practice. That being the case, he could not conceive how the hon. Member for Sheffield could propose to alter and overturn that practice without making a distinct motion on the subject. He therefore expected to have found at the end of the hon. Gentleman's speech, a motion to alter that practice by which alone the Chair was guided. Unless there were some rules of this kind, he could not conceive how the Speaker could pursue any other course than to enforce the established practice agreeable to the wishes of a majority of that House. The hon. Gentleman proposed to restore what he called the ancient practice of the House. Now he recognised no such ancient practice. He believed that the ancient practice of the House was, that those hon. Members who presented petitions stated the substance of the petition, the number of the petitioners, and the class of persons from whence they came. They contented themselves with this statement, and did not as the hon. Gentleman proposed to do, make a statement, not of the petition, not of the individuals, not of the class from whom it came, but a statement entirely of his own, arguments entirely his own, which arguments and statements might not be sanctioned by the petitioners themselves, and might not represent their sentiments. He believed that there were very extraordinary occasions when hon. Members presenting petitions did travel out of the ordinary course; but these occasions were so rare, and the reasons that called for them were so important, and there being no inconvenience in the particular case, the House did allow from time to time such an extraordinary departure from the ordinary practice. But the practice of the House had been altered from time to time, and must be altered according to the exigencies and the circumstances of the time, and when they had thus an extraordinary practice, as upon the presentation of petitions of the "Friends of the People," in 1793, that which grew up to be an ordinary and common practice, was in fact a total departure from the ancient practice of the House. He, therefore, said that the hon. Member was neither justified by the ancient practice of the House, nor was he justified by the present practice of the House, which was agreeable to the majority. He thought the hon. Member was standing on an irregular and inconvenient practice of a few years, which was so irregular and inconvenient that the House was induced to alter it. He did not think, therefore, that because the hon. Member claimed a right to be heard on petitions, he was entitled to such hearing without a motion being made, and without the House agreeing by motion to alter the practice which prevailed.

Mr. *Hawes* was not competent to give an opinion upon the ancient practice of the House, but he recollected a very remarkable occasion, on which a petition of considerable importance, and having reference to a question of great importance at that time under discussion, was presented by the present most distinguished Chairman himself from Edinburgh in favour of Municipal reform, and he well remembered that when it was presented it was accompanied with a very striking speech. He well recollected that the right hon. Gentleman took that opportunity to argue in support of the petition. But when the noble

Lord said, that a Member might use arguments which the petitioners would not approve of, did he not see that the petitioners who intrusted Members with petitions must know their general sentiments? Their object ought to be, not to limit, but if possible to extend the right of presenting petitions. There was one word which had dropped from the Speaker from which he must dissent. The right hon. Gentleman stated, that if the House laid down a rule extending to this petition, they ought to lay down a rule to govern the whole Session with reference to all petitions, on whatever subject. He could not help thinking that this was unnecessary. Let petitions referring to the all-absorbing question of the Corn-laws be presented without any restriction whatever. He was free to admit, that there might be very great inconvenience in having discussions on all petitions, but he did not see any reason, when there was a great manifestation of public opinion in favour of one great question, that that question should not be made an exception to a general rule. He believed there was no question before the House. If it were necessary, he would move, that his hon. Friend the Member for Sheffield be heard. He was not going to move. He would only state that he hoped his hon. Friend would persevere, and, if necessary, take the sense of the House.

Sir *F. Burdett* said, it was a subject of general notice, how much petitions had augmented of late years; while those who presented them, were prepared with a speech which they were anxious to let off. Besides, the House ought to consider that speeches on petitions were necessarily *ex-parte*, unless they gave rise to a regular debate. After the very clear and distinct statement of the noble Lord, it was evidently quite impolitic to adopt such a proposition. At the same time hon. Members would recollect, that there were particular exceptions, and that it was always in the power of the House to afford opportunities to hon. Members on peculiar occasions. He did not see how it was possible to carry on the business of the House if the new system was adopted. He could not help adding, that he was an old enough Member of that House to recollect the time when no man ventured to do more than to open the petition, state its object, and, perhaps, refer to the respectability of the signatures; but he was not permitted to enter into what would really be a very unfair mode of statement —an *ex-parte* statement, which might lead to continual long discussions, or produce impressions every way contrary to justice and common sense, and greatly to the detriment of the public peace. He hoped that that novelty would not be introduced, which had grown up within his own recollection, but that the good old mode of merely presenting a petition would be adhered to. Nothing could be more unfair than that kind of statement, which laid great obstacles in the way of transacting the business of the House. He begged, therefore, that the House would not depart from the old rule, which had been found so convenient.

Sir *R. H. Inglis* would not occupy the time of the House many minutes. The hon. Member for Sheffield stated, that petitions were read so formally, or inaudibly, that no knowledge could be conveyed to the House on the subject. He would ask whether the time that would be occupied in reading these petitions had been taken into consideration. The year 1833 had been referred to, as that in which the experiment had been made on the subject of petitions. In that year 10,394 petitions had been presented to the House, and he called upon the House to recollect, if the hon. Member for Sheffield was right, and that Members might not only read but provoke discussion, how much time would be occupied by presenting petitions—the same right being conceded to every other gentleman. He pledged himself that no one of these petitions could be read in less than a minute and a half, and some of them would take three or four minutes; and he would ask the hon. Member for Kilkenny to calculate what time it would take to read 10,394 petitions at that rate. If the House sat 100 days, at six hours a day, morning and night, they could not dispose of all these petitions. In fact, the whole twenty-four hours would not be sufficient to dispose of the whole. The hon. Member for Lambeth talked of the extreme importance of the petition from Sheffield. He was not one to undervalue the importance of the petitions, whether for or against the Corn-laws, or on any subject whatsoever. If this proposed rule were adopted (every hon. Member claiming the same right), how was it possible for the House to discharge any other duty than that of hearing petitions? He did not mean to undervalue the petitions of the people, but the practice now proposed was a modern one. The greatest difficulty had taken place twelve years ago, when the Roman Catholic Relief Bill was under discussion, and had since come into still more frequent practice, in consequence of the great excitement caused by the measure of Parliamentary Reform.

Mr. *Hume* would take the hon. Gentleman upon his own showing, and demonstrate by the rule of three that he was wrong. He would put this case, and he would remind the hon. Baronet that he had the pleasure of sitting with him for a number of years on the Committee of Petitions, whether they had not found on several occasions two hundred or three hundred petitions identically the same except the signatures; which, he fancied, broke down the whole of the hon. Baronet's objections, because, by the rule of three, he would put down these three hundred petitions as one. The hon. Gentleman referred to numbers. He would find that they had agreed to print one only out of a series, whatever that series might be, and of counting that one only worthy of notice. If it had been the practice up stairs it had been so down in that House. When one petition had been presented on any subject, and other Gentlemen knew that, knowing they had petitions of the same nature, they had brought them up without even asking for discussion, which had been the means of saving a great deal of time. But he heard with the utmost surprise, if any thing could surprise him in that House now-a-days, the hon. Baronet, late Member for Westminster, stand up and state that this was a novel question in that House, whether the petitions of the public should be heard. What did his hon. Friend, the Member for Sheffield ask, but that the petitions of the people should be heard and discussed in the House? The hon. Baronet said this was a novelty, and why did he object to it? Because, forsooth, Members presenting petitions would make *ex-parte* statements. Why, he never had seen a petition that did not contain *ex parte* statements; so that if the objection was good for any thing, it would be good against any petition being brought before the House. Did not every person who presented and spoke on a petition speak as a party man? Why, every man must have a leaning towards one side of the subject under discussion. He did not consider that argument worthy of any attention. When he first came into this House it was the practice to discuss the subjects of petitions, and it was not very long since he recollected the Speaker pointing to the clock, intimating that the time for commencing what was more generally understood to be the public business had arrived. He thought it would be right to try how far it would be feasible to hear the petitions of the people without interfering with the other duties of the House. He was rather surprised to hear the noble Lord, the Member for Stroud, objecting to such a proposition, when he recollected very well the time when the noble Lord himself took part in discussions upon petitions. For his part, he maintained that any one in that House who caught the Speaker's eye had a right to speak, whether with a petition in his hand or otherwise—thus there was no limit to the extent of his speech, but his own discretion. It was upon this view of the case that he had urged his hon. Friend not to move a resolution on the present occasion, as by his doing so he would be unnecessarily compromising an undoubted privilege of the House. The feeling throughout the country was very strong upon this subject. He had heard it said at many public meetings, "What was the use of petitioning Parliament, when it was notorious that neither the petitioners' names nor their abode, nor the subjects of their petitions was heard by the House, but that they were all huddled upon the table, and then into a bag, without any notice or ceremony whatever?" He trusted that some deference would be paid by the House to the feeling of the country, and that they would not attempt to be too stringent in a matter of this kind.

Sir *Robert Peel* did not consider that there existed any question in the minds of the Members of the House generally as to the propriety of the rule which the Speaker had enforced in reference to the presentation of petitions; and every one, he was sure, must feel convinced that, in any rules which Mr. Speaker adopted, he acted according to what he conscientiously thought most conducive to the convenience of the House. They had various important duties to perform—the duty of hearing petitions—the duty of legislation—the duty of examining the expenditure of the year

—the duty of discussing great constitutional questions. Human strength was limited; there were limits to the time which could be devoted to the performance of those duties; and he, therefore, considered, that it was absolutely necessary that a compromise should be made between these various calls upon them, with a view of getting through the greatest quantity of business of all kinds to the satisfaction of the country. He admitted, that it was one of the most important duties of the House to receive the petitions of the people; but was it necessary also for them to listen to long speeches, and to enter upon long discussions, upon the presentation of each petition? The public had an undoubted right to present petitions, and it was unquestionably the duty of the House to hear those petitions; but he also apprehended, that the House had a right to determine in what way it could most conveniently discharge that duty. When the strict constitutional principle of reading petitions was talked of, he believed, that were that constitutional principle to be strictly adhered to, every petition should be read at the table by the clerk, and not by any Member, and that the House should attentively listen to it; but not, he apprehended, to any speech which a Member might think proper to introduce on the subject of it, or to any acrimonious remarks that it might give occasion to between different Members of that House. The hon. Member for Kilkenny said, that his hon. Friend, the Member for Oxford University was wrong in the statements he had read, and that he could prove him so by the rule of three; and then, to show what confidence should be placed in him as a calculator, the hon. Gentleman went on to state, that he had put down three hundred petitions as one. Now, in his opinion, it was quite a different matter to print only one petition out of three hundred, and to read only that proportion of petitions when presented. It was all very well for the hon. Gentleman sitting in Committee, with all the petitions before him, and full liberty to examine and compare them all, to say, "There are three hundred petitions all alike, so we need only print one of them;" but were the hon. Gentleman's powers of intuition in all respects equal to his powers of calculation, so that he should say, when another hon. Member presented a petition, "I strongly suspect (either at sight of the outside or by the smell) that your petition corresponds with another which has already been read, and therefore it shall not be read?" And if it were not in the power of the hon. Member so to prejudge the contents of his petition, or if there were some verbal alterations in it, so as not to bring it within the exact light of a copy, how, he would ask, could the hon. Gentleman perform his constitutional duties if he did not hear each and every petition presented to that House read? He apprehended, that this was a duty by no means limited by any consideration of the number of signatures attached to a petition, nor of the subject of it, nor the place from whence it came; it was their duty to receive from the remotest part of England or Ireland every petition which might be sent in, and to give them equal attention when read at the table. And even after this rule was once established, supposing parties were to choose to embody arguments in the shape of a petition, and, in fact, to present pamphlets on all sorts of subjects to the House, desirous, out of respect to the House, not to limit their expressions to simple prayers, but rather to enlighten the views and understandings of the Legislature by elaborate arguments on the subjects, it would still, he apprehended, be the duty of Mr. Ley to read those petitions, however lengthy, in a clear and audible voice, and for the House to listen attentively to them. But were the contents of petitions received with any attention when they were read at the table? From his own experience, he must say that on many occasions of this kind, although the House had given its best attention to a fine speech from the Member in presenting his petition, the petition when it came to be read was read amid universal inattention to its contents. It appeared to him, therefore, that the object of hon. Members who mooted this subject now, was not to get a hearing for petitioners but for themselves. But he would ask, what right had Members to go into a paraphrase of petitions presented by them; would not the prayers of the petitioners, expressed in their own simple language, even though in many cases ungrammatical and incorrect, be far more to the purpose, and far more constitutionally heard? This, then, he would suppose, was the strict letter of constitutional right in respect to petitions, that they should all be read at length; but how was it in other matters of Parliamentary duty, as the reading of bills, for instance. Bills were said to be read a first and a second time, though it was well known not a word of their contents were read to the House. He apprehended, that every Member had a right to ask that a bill should be read a second time, and that every Member had farther the right, if he chose, to insist that the one hundred and thirty-nine clauses of the Stamp Consolidation Act should be read at length. But what, he would ask, would be the effect of the adoption of such a course? Why, the whole time of the House would be occupied, and little or no business would be done. The present practice was far better, and all the Members waited till a bill was printed, to read it themselves. He ventured to say the same of petitions; and if a petition were to come from men of high authority, upon any important subject, supporting their views by arguments, those views and those arguments would be far better appreciated and understood by Members perusing the petitions in print, than by hearing Mr. Ley read it, *viva voce*, at the table, at the end of an animated debate. According to the strict rule of the House, he believed, that any Member had a right to have a petition read by the clerk at the table; but only suppose this privilege were carried to an extreme extent, and that upon a night when an important motion was to come on, which any parties might be interested in defeating, an hon. Member were to come down to the House with five hundred petitions, and insist upon having them all read. The true principle to walk by was, that of mutual forbearance; and it should be recollected by all parties, that legislation, as well as the receiving of petitions, was amongst the duties of the House. And he thought, that if the House were to take more pains to make its legislation efficient as it went on, it would go the surest way to meet the approbation of the country. It was notorious, that there was no nation upon the face of the globe in which the legislation was conducted more slovenly than in England, for there was hardly a single measure brought forward, but in the next Session another measure was introduced for the purpose of amending it. Indeed, there were often measures brought forward for the purpose of amending the amended acts. He was sorry this question had been brought forward that evening, in such a manner, because he was not quite sure what strict rule it would be proper to adopt, if the course held out were adhered to, and he did not wish to enforce any rule of the House against the general feeling of the country. At the same time, however, he must say, that if the strict constitutional rights spoken of by the hon. Member opposite were to be enforced, if the rule of their proceedings were to be "every one for himself," it would lead to endless confusion and loss of time, and become absolutely necessary to appoint an hour after which no petition should be received, which would, undoubtedly, lead to the exclusion of many petitions altogether. Again, on the other hand, he could not allow any Member of the House to select any particular subject in favour of which it might be proper to exercise this constitutional right to the exclusion of others. He maintained, that in the eye of Parliament, all petitions were on an equality—all petitioners on an equality—all subjects on an equality—and he would not allow any one class of petitioners to claim exemption from duties which were made to apply to all others.

Mr. *Ward* thought, the right hon. Baronet had met, in a very unfair and uncourteous way, the observations of a man who but very seldom trespassed upon the time of the House, in the discharge of what he conceived to be a most important public duty; and he could only say, that he was not to be deterred by any such observations from doing what he conceived to be his duty. The right hon. Baronet seemed to impute to him (Mr. Ward) a wish to make distinctions between petitions; now he never said anything of the kind, though, he believed, his hon. Friend behind him had said something like it, but which he was sure must have been understood by all who heard him to have been intended ironically. If the right hon. Baronet perceived any intention on his part to break through an old established rule—but a rule which he maintained did not exist, he begged to say, that all he wished was, to see a clear and intelligible rule laid down, by which all might be guided, and which the country might understand; and until that was done, let them revert to what he considered the practice of the House for the last twenty years.

Mr. *Poulett Thomson* disagreed with the statements of the hon. Gentleman who spoke last, that the new rule respecting the presentation of petitions had given great dissatisfaction to the country. If there were any dissatisfaction on the subject, he thought it must arise from a misinterpretation of the practice of the House, under which the hon. Member seemed to labour. The hon. Member said, that petitions ought to be read; but surely that was not what the hon. Member aimed at by mooting the subject; but rather that Members should have an opportunity of making speeches on presenting petitions. Then, it was complained that petitions were brought up without any note or ceremony, and thrust into a bag, and carried away, nobody being a bit the wiser; but the hon. Member, in making this allegation, showed himself to be misinformed of the practice of the House, and strangely neglectful of his duties as a Member of Parliament, more particularly to all those constituencies who had intrusted him with petitions to present. The hon. Member ought to be aware, that all public petitions presented to this House were referred to a Committee, who examined and classified them, and printed such of them as they deemed advisable; and, moreover, that any Member presenting a petition had a right to move, that it be printed, and to give notice, that he should bring the subject of it before the House. This was a privilege which he had claimed, and other hon. Members near him, and he thought it was a course far more satisfactory to the parties themselves when they came to consider of it, than the old plan. With respect to the subject of the Corn-laws, no one, he should think, could doubt, after all he had said about it, that it was a question upon which he was most anxious that the fullest inquiry should be had, and the fullest justice done to all who came forward with representations in reference to it. But only let the hon. Member compare the present practice of the House with that of a few years back. He well recollected in the year 1832, hearing an hon. Baronet complaining in that House, that he had come down early day after day for twenty-four days in succession, with a petition to present, in hopes of getting his name on the Speaker's list; but that there always happened to be two or three down before him, and that the discussions which took place on these two or three petitions, entirely excluded his, and that as was seen for three weeks or a month together. Now, the hon. Member for Wolverhampton had given notice of a motion for Tuesday week, that certain parties be heard at the bar against the Corn-laws, and they were informed that several hundred petitions were likely to come up in the meantime in support of that motion. According to the present practice of the House, all these petitions would be received and referred to the committee, by which they would be classified and arranged, the number of signatures attached to them stated, as well as the places from whence they came, and the circumstances under which they were presented; all which information, both on one side and the other of this question, would be in the hands of every Member of the House before they came to debate the motion in question. On the other hand, suppose the former practice of the House were recurred to, what would be the consequence? Why, two or three petitions, perhaps not so many, might be presented every day, coupled, it was true, with eloquent speeches from those who presented them; but when the House came to the actual discussion of the question to which these petitions referred, they would be utterly uninformed as to the number of petitions on each side of the question, the number of their signatures, the places whence they were addressed, and the precise nature of their prayer. It appeared to him, that if the former practice were recurred to, they must have morning sittings for the reception of petitions, which were known to be inconvenient in many respects, or that the public business must be set aside altogether.

Mr. *Villiers* was very sorry to hear the acrimonious manner in which that question was discussed. It was a question of mere dry detail, and he never saw the right hon. Baronet, the Member for Tamworth, use more vehement gesticulation. He confessed, the present arrangement was very convenient for the Members themselves, but was also very unsatisfactory to the public at large. It is no doubt very hard and very unfortunate that a Member should come down night after night, and yet have no opportunity of presenting his petition. The system which his hon. Friend (the Member for Sheffield) proposed would add greatly to the labours of individual Members, but the present system very much dissatisfied the country. The public said, "We leave our businesses—we deeply consider these petitions—we write to our representatives; no doubt the petitions are presented, but we hear nothing of them; we see nothing of them in the papers. Then what is the use of our so losing our time?" Now, it was impossible to deny, that last year this subject was one of general complaint. He had felt the inconvenience himself, and he had been answered that the public business had been advanced by it. But he never had heard any answer made to what had been replied to that—"What is public business? What do you do when you get to the public business? We have been sitting here night after night, watching the proceedings, and we find that the two hours following are occupied by not very pertinent questions, or by personal discussions, which were by no means of national importance." That was confirmed by the statement of the right hon. Gentleman, as to the slovenly manner in which legislation was carried on. It was clear that the greater portion of one Session was occupied in rectifying the errors of the previous one. One point deserved notice, and that was, that the proposed plan would afford an opportunity of discussing questions which could not otherwise meet due consideration when all discussion was reserved for one night's debate. The people of England had not time to devote themselves to political matters. It was necessary that the attention of hon. Members should be directed to these matters by repeated discussions, in order that they might come to a due understanding of them. Many of their errors had arisen from their over-hasty legislation, and he hoped an opportunity would be afforded of discussing these questions more fully, before proceeding to legislate on them. It was merely a question between the convenience of Members and the wants and exigencies of the country. If the House made up their minds to attend to the public business he did not believe, that these complaints would have been made, and if that was done now he thought this claim would be withdrawn. But with the testimony of the hon. Baronet, to the unsatisfactory way which the public business was conducted, it could not be expected that the people would be contented.

Sir *De Lacy Evans* said, having a petition of the same nature as the hon. Member for Sheffield, he must support the motion. He certainly must admit, that inconvenience had occurred in former years from the public business being delayed, but, on the other hand, he must say the inconvenience had since been carried to a greater extent the other way. With regard to his own constituents he must state there was a feeling of great dissatisfaction on the subject, and they had intrusted him with several petitions, which they had instructed him to withdraw if he was not allowed to state their representations. It had been said it was important to economise the time of the House, and so it was, but then upon party discussions the people saw there was an extreme and lavish loss of time.

Mr. *Brotherton* said, there was no man more anxious to save the time of the House, but he could not concur in what had been urged by his hon. Friends around him, for though he believed that there was some dissatisfaction on the subject of petitions, he was persuaded that arose from the public mind having been misinformed as to the facts. It had been represented, that petitions were merely thrown into a bag—such was not the truth. Every hon. Member had a right to state where the petition came from, who were the petitioners, and what was the allegation. The hon. Member for Greenock had last night, in presenting a petition, occupied a considerable time in stating its allegations—besides which, any Member might name a subsequent day for the discussion of the subject of a petition which he was anxious to have more fully considered, without infringing the rule of the House. It has been stated, he knew, in many parts of the country, no matter how contrary to truth, that the petitions of the people have been treated with contempt. This statement he never allowed to be made, without contradicting, in a manner that his knowledge of the proceedings of this House enabled him to do; and from that knowledge he knew that the petitions of the people fared much better than when the former practice was followed. He must say, that some ten or a dozen of Members monopolized to themselves the right of taking up the time of the House with petitions. Indeed, such Members as himself never could get time to speak on the presentation of petitions. Under all the circumstances of the case, he thought it much better that the present system should be kept up; he therefore would give his vote to keep the rule as it at present stood.

Mr. *Parker*, until he heard the subject discussed, thought that petitions were too much neglected under the present system; and, even now he was of opinion that some new plan might be adopted which would give greater satisfaction to the public. He was not, however, prepared to say, that under the present circumstances, the rule of the House should be departed from.

Mr. *Ward* supposed he must present the petition, for the discussion had left the question where it was at the beginning. The same course which he pursued, reluctantly, but under a sense of duty, would be adopted by some other Member to morrow night; for no other alternative was left to those who thought with him, since the noble Lord (Lord J. Russell) abstained from making any motion on the subject.

Lord *John Russell* must say, that he thought it was the duty of the hon. Gentleman either to submit to the rules of the House as laid down by the Chair, or to bring forward some motion of his own on the subject. It was perfectly competent for the hon. Member, or for those who thought with him, that under the present mode of proceeding sufficient attention was not paid to the petitions of the people, to say that the rules and practice ought to be altered. But he did not understand, when the Speaker had laid down what the rule and practice were, that the hon. Gentleman should not agree to abide by the rule and practice, or make an attempt to alter them by a vote of the House; for he now seemed to be acting the part which was imputed to the right hon. Baronet, the Member for Tamworth, and setting his own authority and decision against a decision which was apparently in conformity with the opinion of the House. He must say, therefore, that he did not think the hon. Gentleman had pursued a course consistent with the respect which he ought to pay to the House on this subject. But as the question had been now discussed, and as he thought the House had heard full and sufficient reasons to induce them to persevere in the present practice, he did not wish to add to the arguments which had been adduced, but shortly to state what was the vote to which he now proposed that the House should come on this subject. He did so on the ground that the hon. Gentleman having stated, that he would persevere in discussing this petition, and that it was his belief that others would also make speeches in presenting petitions on future nights, the Speaker must be placed in the invidious, and, he must say, unfair position, of calling a Member to order who transgressed the usual practice, without its being ascertained whether the House was willing to support him or not in that proceeding. That was a position in which he thought the Speaker ought not to be placed. As to the question itself, he would only refer to what had been urged by the hon. Member for Wolverhampton, (Mr.Villiers). That hon. Gentleman had asserted that the public business was of little importance, and he gave an account to his constituents of the proceedings of the House, which was not very respectful. Now, he appealed to the hon. Member for Lambeth (Mr.Hawes) if petitions were discussed until eight or ten o'clock in the evening. The hon. Member had very properly last year called attention to the subject of metropolitan police, and in concurrence with the Committee had drawn up a very able report on the subject. He (Lord John Russell) was about to introduce bills very much in conformity with that report. But what would the hon. Gentleman say if he (Lord John Russell) were obliged to declare at the end of the Session, "I consider this a subject of great importance, but the House was so occupied in debating petitions without coming to any result, that it was impossible to bring in any bills, or to have the matter fairly discussed." Would that, he asked, be a satisfactory result to the hon. Gentleman or his constituents? Therefore, as well for the sake of the reputation of the hon. Member as for other considerations—for the convenience of the House, and that the Speaker might have some rule to go by—he moved "That this House adhere to the established practice with respect to the presentation of petitions, as laid down by Mr. Speaker."

Mr. *Leader* wished to know what the established practice was, because there appeared to him to be some dispute with respect to the matter. For his own part, he asserted that every Member had a right upon the presentation of petitions, to state what his opinions were on the subject. When a petition was presented, the question was put that it be received, and he should like to know whether Members had not a right to speak upon that question. There could be no doubt that they had, and it would be a most unjust interference with the privileges of Members to attempt to prevent them from speaking. He maintained that they had the right, and those who asserted that they had not according to the practice of the House, were bound to show what the established practice was. If hon. Members consulted their own convenience, they would think rather harshly of those who would introduce a practice inconvenient to them. But he would intreat hon. Members to bear in mind that the chief duties they had to perform, were to hear the grievances of the people, and, if possible, to redress them. By adopting the motion proposed by the noble Lord at the head of the Home Department, the House would be preventing the people from petitioning at all, because they would feel it to be utterly impossible to do so with success. The right hon. Gentleman at the head of the Board of Trade had said, there was no dissatisfaction in the country on this subject. Why there was actually a petition from the inhabitants of Westminster at this moment complaining that their petitions were treated with the respect which they merited. The other day, at a meeting at Manchester, attended not only by men of Manchester, but by delegates from almost all the great towns of this country, when he stated the manner in which the subject was treated by the House, there was one universal shout of indignation, and every possible manifestation of disgust. The people knew very well how their petitions were treated by the House, and he was very well assured that three or four nights discussion on the matters of their petitions would have a far more beneficial effect on the country, than the present practice could possibly have, of printing the petitions, and then distributing them into the hands of Members, many of whom never looked upon them. He would caution the House against adopting the course which they seemed about to pursue. If they would not receive the petitions of the people, and permit them to present them, they would drive the people to other and unconstitutional means of making known their grievances. There were two Conventions sitting in London at this moment. Did the House think that those persons would take the trouble of coming to London at great expense, if they considered that their petitions were not received by the House as they ought? The very fact of those two Conventions sitting, proved that there was great dissatisfaction prevailing in the minds of persons in reference to the way in which their petitions were received by the House. He did trust that the House would not adopt that course, which would deny to the people the right to petition, and the Members the liberty of speech.

General *Johnstone* begged to draw the attention of the House to the fact that this was a motion without any notice of it. If the petitions of the people were only to be laid on the Table of that House, and not looked at, nor their contents discussed, God only knew what was to become of the country. He trusted, that this motion would not go to the vote on the present occasion.

Admiral *Codrington* said, that this was in truth a motion for rejecting petitions. Such a motion as that could not fail to bring on a debate, and he for one could not understand how the noble Lord would be able to carry his motion into execution after he had succeeded upon it.

Mr. *Hume* entreated the noble Lord to look at the consequences of the House coming to the resolution he now proposed for adoption. If he would only look at the misconstruction that such a motion would be subject to, he felt, that the noble Lord would be the last man to subject himself to the effect of such misconstruction. This motion would certainly interfere with the right of the people to petition as well as with the liberty of speech; and it would be far better for the noble Lord not to press his motion at present, but to give notice of it for a future day.

Lord *John Russell* said, that the hon. Member for Sheffield had left him no alternative.

Mr. *Jervis* hoped the noble Lord would not press the motion to a vote on this occasion. Rather than that should be the case, he hoped the hon. Member for Sheffield would withdraw his petition for the present, so that this subject might hereafter be properly discussed. He for once wished, that Mr. Speaker should not be left in the invidious situation of having frequently to interrupt speakers. There was nothing tangible in the present rule, and if this motion were carried, Mr.

Speaker would have to be continually referred to to state what the rule was; and how were Members in future Sessions, for instance, to know what the rule was, when perhaps the present Speaker might not then be Speaker. As a matter of prudence, he hoped the present motion would not be put to the vote.

Mr. *Ward* had no wish to drive the noble Lord into a hasty decision, and, therefore, he should have great pleasure in withdrawing his petition, and presenting it on any future day, that might be more convenient to the noble Lord.

Mr. *Horsman* did not regard this as a discussion against hearing the matters of petitions discussed generally, but a discussion against hearing the Corn-law petitions discussed. As long as the discussion was on the question generally, he took no part; but now that he must vote, he desired to express his wish to the noble Lord along with his other friends, that he would not press this motion, which was liable to great misconstruction—a misconstruction of which the noble Lord would hereafter have great reason to complain. The right hon. Baronet, the Member for Tamworth, had expressed himself extremely unwilling to bring forward a motion of this kind; and after all that had been said, he hoped the noble Lord would not persevere in a course that must lead to great inconvenience.

Mr. *Milnes* could not accede to the observations he had heard from the other side of the House. The present question had nothing whatever to do with the presenting of petitions. It was simply whether those who presented petitions should be restrained from addressing the House. The privilege of presenting petitions belonged to the people, but when their petitions came into the House, then those privileges ceased, and the petitioners became subject to the rules of the House. He thought that the reproach from the hon. Member who had just sat down, might have been spared—that Members were afraid of the Corn-law petitions. He would rather ask whether it were not in consequence of the Corn-law petitions that this question had now been debated as it had been. As to the threat of the hon. Member for Westminster, that there was a rival parliament sitting in London, he for one, thought those societies ought to acquire a little more power before they were brought forward a second time as a threat to that House.

Lord *Stanley* was perfectly satisfied of the absolute expediency and necessity of adhering to the rule and practice of the House, which were found, in his judgment to be exceedingly convenient, and by no means injurious to a due consideration of the petitions of the people. He was, therefore, perfectly prepared to support the motion of his noble Friend, and his only hesitation arose from this — that though all could trust to the discretion of the Speaker for the performance of his duty, he should not be placed in such a position as to leave his conduct liable to the slightest misconstruction. It was, therefore, most desirable, though every Member understood what latitude was allowed in speaking on petitions, that a rule should be laid down in a formal manner on the journals, in order to prevent the possibility of mistake. If the Speaker found any difficulty in laying down such a rule, he hoped that his noble Friend would allow him twenty-four hours' consideration as to the form in which it should be entered on the journals. But, on the other hand, as he did not doubt, from his perfect knowledge of the laws on which they had hitherto acted, that the Speaker was now prepared to state what his understanding of them was, he trusted he might take the liberty of requesting that he should state the terms in which he wished his construction of them should be conveyed. His noble Friend might then preface his motion by stating—" Mr. Speaker having laid down the rule so and so, this House is determined to abide by his rule." This course would remove all doubt, and place the matter in a clear and distinct light.

The *Speaker:* I can have no hesitation in stating the substance of what I collect to have been the practice of the House during the several Sessions that I have filled this chair. As to the particular words in which it ought to be described, I cannot be so secure. The first rule is, that in the event of any petition being offered to the House, complaining of individual grievance, and requiring immediate redress it should be immediately entertained and discussed. That in the event of any Member offering a petition relating to any matter which he wishes to bring under the consideration of the House, the course followed is, that he gives notice of his intention to found a motion on the petition on a future day, which he names. The petition is printed with the votes, and immediately afterwards placed in the hands of Members. The great proportion of petitions is connected with subjects before the House either in the shape of notices or bills. These are presented by hon. Members, simply stating the place whence they came, the number of signatures, and also by stating as fully as they pleased, but without reading (for that is contrary to the rule) the material contents. It was then laid on the table, referred to a committee, classed with others of similar import; and in the report was given the number of signatures, the object of, and the place whence the petition came. This report was placed in the hands of Members three or four days subsequent to that on which the presentation took place. Now having stated what I understand to be the practice, I hope I may be allowed to make one or two observations upon it. I can never forget that I, as the servant of the House, only obey the instructions which I receive from the House; but so far as depends on me I have anxiously endeavoured ever since I was placed in this position to contribute by all the means in my power to introduce order and method into our proceedings, and to afford, as far as it was practicable equal justice to all persons. The advantage of the present system, as it seems to me, is, first, that all petitions are presented promptly—that their contents, the number of their signatures, and the places whence they come are presently in the possession of the whole House,—and next, that it places all Members on an equality, for according to this practice, all Members have an opportunity of presenting petitions, and all classes of persons of forwarding them.

Lord *J. Russell* said, that when the House had an opportunity of having the rule laid down by the Speaker reduced to writing, he should change his motion so as to meet the view of the noble Lord, he therefore begged to postpone it until to-morrow. Debate adjourned.

[The entry on the rules of the House differing in some measure from our report of the Speaker's speech, we think it right to subjoin it. Presentation of Public Petitions:—Mr. Ward, the Member for Sheffield, having in the course of opening to the House a Petition from his constituents respecting the Corn-Laws, stated that it was his intention not to confine himself solely to the allegations and prayer of the Petition, but to enter generally into the subject, was interrupted by Mr. Speaker, who stated that such proceeding on the part of the hon. Member would be contrary to the rule which he considered had received the sanction of the House, "that no Member, upon the presentation of a petition, should be allowed to enter generally into any subject," and requested that he might receive the instructions of the House, whether this rule should be maintained. Whereupon a discussion took place, and a motion was made, and the question proposed.—"That this House adhere to the established practice with respect to the presentation of petitions, as laid down by Mr. Speaker.—Whereupon Mr. Speaker was requested to state what he considered to be the rule and practice of the House upon the presentation of petitions.—Mr. Speaker accordingly stated, that any Member offering any petition to the House, states the place whence it comes, the number of signatures affixed, and also the material contents of the petition; and is entitled, if he requires it, to have it read at the Table.—That all petitions complaining of personal grievance, and requiring present redress, are entertained and discussed when presented.—That all petitions which are presented relating to a subject which the Member wishes to bring under the consideration of the House, are printed with the votes, the Member giving notice of the day on which he will make his motion at the time he presents his petition.—That all petitions which relate to any subject with respect to which a notice of motion has been given; or with respect to which any bill is in progress through the House, are referred to the Committee on Public Bills, where they are classified, and are, according to the judgment of the Committee, printed in whole or in part.]

HOUSE OF LORDS,

Friday, February 8, 1839.

MINUTES.] Petitions presented. By Lord BROUGHAM, from Edinburgh, in favour of Mr. R. Hill's plan of Post-office Reform.—By the Duke of PORTLAND, from Leicester, against the Sale of Beer Act.

ANSWER TO THE ADDRESS.] The *Lord Chancellor* said, he had to acquaint their Lordships that her Majesty had been attended with the Address voted to her by their Lordships' House, in reply to which her Majesty had been pleased to return the following most gracious answer:—

"My Lords, I thank your Lordships for your loyal and dutiful Address. Relying entirely on your wisdom and patriotism, I can have no greater satisfaction than finding myself supported by your agreement and concurrence."

MAURITIUS — SLAVERY.] Lord *Brougham* seeing his noble Friend, the Secretary for the Colonies, in his place, wished to ask whether any satisfactory information had been received respecting the termination of slavery in the Mauritius?

Lord *Glenelg* said, that in answer to the question of his noble Friend, he had sent a dispatch to the Governor of the Mauritius, requesting him to bring the termination of the apprenticeship system before the Council, with a view to have it put an end to by the 1st of February. He had not yet had an answer to that dispatch, but he had no doubt the Governor would bring it before the Council without delay, and as little doubt that the Council would accede to it. He had further to add, that if the Council did not accede to it he had taken a measure to effect the termination of the apprenticeships without the Council.

Lord *Brougham* said, that nothing could be more satisfactory to him, nor, he was sure, to every person who took an interest in this question. But he wished to ask his noble Friend whether the dispatch had been so recently sent, that it was impossible now to have an answer, and also whether the measure which the noble Lord had adopted had been a conditional one.

Lord *Glenelg* said, that the dispatch had been sent out in July last. The measure he alluded to, was simply passing an order in Council enabling the Governor by proclamation to name a day for the termination of the apprenticeship system, if necessary, without the consent of the Council.

RESIGNATION OF LORD GLENELG.] Lord *Glenelg* then spoke as follows:—My Lords, I will take this opportunity of saying a few words referring to myself personally. Although I have answered the question put by my noble Friend under the idea that I was responsible for the measures of the Government, I am not at this moment any longer in possession of office, having felt it my duty to tender my resignation to her Majesty, which her Majesty has been pleased graciously to accept this day. I make this communication with a full sense of the peculiar inconvenience of such a step as that to which I have alluded at this period, and with a consciousness that it may cause great delay in your Lordships' proceedings, and cannot but produce considerable embarrassments. But, my Lords, in a few moments I can state the reasons which induced me to come to this resolution. A communication was made to me on Tuesday morning, utterly unforeseen and unexpected by me, which involved—it was a communication from the Cabinet—which involved alterations in, and a fresh disposition of, office—utterly, as I before said, unexpected on my part, but which, it was said, had been resolved upon. My Lords, to that change in the disposition of office, after the maturest consideration, I found it impossible for me to accede; consequently I felt it my duty to tender my resignation. My Lords, among my regrets on this subject, it is painful for me that this event should take place at such a moment as this, when colonial subjects occupy so much of the attention of Parliament. But, my Lords, I can truly say that no other reason but the necessity under which I felt myself placed could have led me to such a step—in fact I found no other alternative before me. I had but one course to pursue. At the same time, my Lords, any of those measures connected with colonial affairs which I have been instrumental in carrying into effect I shall, of course, be ever in my place ready and anxious to justify, and I shall always be ready to give any information and supply any explanations which it may be in my power to give with respect to the discharge of that duty which has been intrusted to me.

Nothing further was said on the subject.

CORN-LAWS.—PETITIONS.—EXPLANATION. Lord *Brougham* rose to present a petition of very great importance; and it was the first which had issued from the body from which it came; it was a petition from the new municipality of Birmingham — was signed by the Mayor on behalf of the Corporation, It was upon the subject of the Corn-laws, and prayed for a speedy and effectual relief from the pressure of those laws. He wished to state, that he believed some worthy and respected individuals were anxious for something, which according to his recollection of what had formerly taken place in the House of Commons, if the orders of both Houses were the same in this respect—he believed was not according to precedent, namely, to be heard by counsel and evidence at the Bar against the Corn-laws. Now, he was afraid—he wished it were otherwise—that there was no instance of counsel being heard against a law which had actually passed, though they had been heard against a bill while pending before Parliament. He believed, however, that there was this exception, that counsel might be heard against a tax the year after it had been imposed. The petition which he had presented, did not pray to be heard by counsel. He would now give notice that on Friday—although from the unavoidable absence of some noble Friends, he might be induced to postpone it till Monday, he would bring forward a motion on this subject, which motion would be, "That evidence be allowed to be produced at the bar against the Corn-laws, not by counsel and parties, but evidence in the regular mode for the satisfaction of their Lordships." This, he believed, would be in accordance with the precedent of the Orders in Council. He thought their Lordships would consider that, upon this important subject, the sooner the attention of Parliament was called to it the better.

The Earl of *Ripon* could not allow the first opportunity that offered, to pass without asking the indulgence of their Lordships while he attempted to set himself right with the House, and defend himself from what he considered an imputation. It was, with respect to a subject which agitated the public mind—he meant the Corn-laws. He always understood, that the present Cabinet had been formed upon the principles with respect to those laws laid down by the noble Viscount in the debate upon the Address. With respect to that he knew nothing. He had since, however, seen it stated, that a very high authority had said, that Lord Grey's Administration had been formed upon the same principles; and that the Corn-laws was considered an open question with that Cabinet. He did not say that high authority had said so, but that it had been so stated. Whether it was said or not, he felt himself bound to state, that, while he had the honour of belonging to that cabinet, there existed no such understanding. It was utterly impossible for him to suppose that Lord Grey's Government was formed upon such principles, because, in 1833, when a noble Friend of his brought forward the question, Lord Grey asked him to oppose the motion, and to prepare himself to answer the observations of his noble Friend, and he did so because it was the duty of those who administered the Government of the country, to take the earliest opportunity of giving a direct and unequivocal statement of their sentiments upon a subject of such great importance. Upon his honour, if he had the slightest suspicion, that there was any doubt whatever as to the principles upon which that Government was formed with respect to the Corn-laws, he never would have made such a speech; for he certainly at that time considered that he spoke the sentiments of the Government, and as a Government, and if he had made such a speech as he did upon that occasion, while there was even a doubt as to the principles of the Government, he should have degraded himself and the House, and abused the confidence of the public. He knew, that, as in all Cabinets, there was a difference of opinion upon many subjects, and amongst others, upon the Corn-laws, but he solemnly declared, that he knew not, that upon that question they would not act as a Cabinet—a combined Cabinet upon the question of the Corn-laws, and according to the speech he then made. He felt it due to himself—he felt it due to Lord Grey, and he also felt it due to those not now belonging to the Cabinet—and he called upon them to support him in the assertion—to give a flat denial to that which was reported to have fallen from one high in office in the present Government.

Earl *Fitzwilliam* did not rise to answer any accusation against himself, for every one knew, that upon that subject there was no accusation to be brought against him. The question he believed was not whether Lord Grey's Government was formed on the principle of the Corn-laws being an open question, but whether that formed the principle of her Majesty's present Administration. With respect to the opinions of Lord Grey's Government, there could be no doubt of the opinions of that Government as proved by the conduct of the Government on that subject. He begged to state, that he was intrusted with a great number of petitions on this important subject, which he was about to present to that House. He did not know whether his noble Friend had been judicious in fixing so early a period for the discussion of that question—he was not quite decided on that point; but he would say, that the repeal of the Corn-laws would be eventually wrung from them by the petitions of a suffering, but nevertheless a most loyal, people; suffering through the infliction of injudicious laws—he would say injudicious laws, because he thought they had been enacted in ignorance of the injuries they might produce and which they were still likely to produce. He confessed it was a matter of great regret to him to see the exaggerated statements that had been made on both sides of the question—on one side exaggerated statements of the effects of the repeal of the Corn-laws, and on the other side exaggerated statements of the evils those laws have actually produced. That these effects were mischievous—that they were dangerous to the future prosperity of the country—and that hitherto they had been found mischievous—he entertained no doubt, but he did believe, that the effect of these laws had been exaggerated by those who had felt them; and he was convinced, that the fears and apprehensions of those who resisted their repeal, were equally unfounded: Of course, on an occasion like the present, he would not enter into the arguments upon the subject. It would be out of place on the present occasion to do anything more than to express his opinion, but he believed, that when the opinions of the manufacturing classes themselves were examined into, and when their petitions were before the House, and he trusted, that their Lordships would examine them, he had every reason to believe, that their Lordships would find, that the manufacturing classes would be satisfied with much less than they were represented to claim, and perhaps did claim, in some of the petitions which had been presented to their Lordships. They all knew, that it was the common course of mankind to be in the habit of asking somewhat more than they expected, and, therefore, if these petitions went to the full length of calling upon their Lordships to abrogate all Corn-laws and put an end to every regulation, even for fiscal purposes, he apprehended they would not form a just estimate of what were the views and expectations of the reasonable and thinking portion of the petitioners. That there might be among large classes of people collected together many of sanguine temperaments and extravagant views, there was no doubt; but his conviction was, that if they acceded to the motion of which his noble and learned Friend had given notice, and entered, as he trusted they would, into the whole question, by both Houses giving the petitioners an opportunity of proving their case, he was convinced, that their Lordships would discover a satisfactory adjustment of the question, and would be able at least to meet the just expectations of the people; but if they turned a deaf ear to the petitioners, then he did not think, that it was in the power of any man to answer for what the consequences might be if it should please Providence again to afflict this country with a harvest as deficient as that which they had just passed. He trusted their Lordships would approach the question with calmness and deliberation and not foster in their minds an opinion which, upon examination, might turn out to be an unfounded prejudice, but would listen to the petitioners and allow them that opportunity they claimed of making out their case, and produce the impression they expected upon their Lordships and upon the other House of Parliament, though it might not lead to the entire repeal, but to a better adjustment of the present Corn-laws. The noble Lord concluded by presenting a petition from Pudsey, in the West Riding of Yorkshire for the repeal of the Corn-laws.

Lord *Brougham* would not follow the noble Lord in the very able remarks he had made upon the subject, but after having received a rebuke from the noble Lord, he wished to speak in extenuation, although after judgment had been pronounced, for he was in the unfortunate situation of a party punished—who was allowed an opportunity of speaking afterwards in his own vindication. He was happy to think, that his noble Friend would be found with him, but he was sorry to find that there was any difference upon the subject of time, for it was only on the question of time, that judgment or discretion could be exercised. His noble Friend seemed to think, that he had not acted very judiciously, and that he had not chosen the very best time for his motion. He however had no choice; and he was now about to show, that if he had said anything in that House upon the question, for it must be observed that he never alluded to what passed elsewhere, and who ever stated otherwise stated an untruth. He alluded to what passed out of doors, which was his duty, and if any one in the other House of Parliament, be that individual the highest authority there, said that he had done otherwise, such individual was misinformed by somebody having told him an untruth. By the votes of the other House which were public, and which were even sold, so that any person could know what they were, he observed that a notice of motion similar to the one he had given was entered on those votes, and stood for the 19th of February, and which was only a day later than that for which his motion stood. Now, his opinion, which he had stated to the Birmingham gentlemen whom he saw in November last, was, that this was the fit course to take, and he stated to them, that he should, at an early period, make this motion. And his opinion also was, that if there was any evidence to be taken—that if there was one place better than another to take that evidence in, it was that House where they were fettered by no technical rules, but acted strictly on judicial evidence. He grieved to observe, that his noble Friend had adopted a different course upon another point which was of great importance to himself. His noble Friend had taken upon himself to say, on behalf of their common clients, that it was not a total repeal his clients wanted—their Lordships were not to believe that was what they meant; they would be content with a great deal less. Whether that was discreet or not in his noble Friend he would leave to his own consideration; for his part, when he was at the Bar, he had never entered the Court, and said that his client, although he claimed 1,000*l.*; never dreamt of getting more than 20*l.* He had never thought of such a thing; but he ought to set their Lordships right as to the fact. His noble Friend was totally mistaken; he had had communications, not with wild enthusiasts, or sanguine individuals, but with some of the most temperate advocates of a repeal of the Corn-laws, with whom he had discussed the matter over and over again, and with some even from this very town, that morning, who were neither enthusiastic nor immoderate in their expectations of what ought to be done for their relief; but men more likely to know their own minds—less likely to mean one thing when they said another—less likely to say they meant a partial repeal when they called for a total repeal, could not possibly be found; and if he mentioned the name of Mr. Joseph Sturge, a great corn factor for the last twenty-four years, he apprehended that those who knew that most respectable individual, would be convinced that any man more able to understand a subject to which he applied his very perspicacious mind, it would be difficult to find. Other gentlemen he might also mention highly qualified to judge of the question, with whom he had consulted. He, therefore, could not join his noble Friend in saying that the petitioners did not desire an entire abolition; and to show that this was a practical opinion of theirs, he had been furnished with a resolution which, if he had thought he should have been called upon to have entered thus fully into the subject, he should have read to their Lordships in the first instance. The resolution was unanimously agreed to yesterday by the delegates on the Corn-laws and when they came to him he told them he would have nothing to do with taking away what they called the protection of the farmer if he were not also to take away what they called the protection of the manufacturers and the shopkeepers. Upon that they came to the resolution, unanimously, to remove all restrictions on the importation of goods generally, and of putting them precisley on the same footing as they desired their Lordships to put the Corn-laws upon. He thought if anything could be, that was, a proof that their views were not limited to a partial, but to a total repeal, which in his opinion was the more safe, the more convenient, and the more judicious course.

Commercial Treaty with Austria.] The Earl of *Aberdeen* said, that he was happy to find that the former treaties of commerce and navigation, which had recently expired, had been renewed; but a new article had been introduced which he could not quite understand. That article stipulated, that British vessels should be placed on the same footing with Austrian vessels on arriving at the Danube, and at the ports of the Danube, and he wanted to know what security they had for the fulfilment of that article, that British vessels should be on the same footing as Austrian vessels in ports not belonging to the Austrian dominions; and how it happened that Austria and Great Britain stipulated in a treaty for the treatment of British vessels in ports belonging to a state which was no party to that treaty, and over which they had no jurisdiction. The fact was, that there were no Austrian ports in the Danube accessible to any vessels; all the ports were below the Austrian dominions; and, therefore, what he wanted to know was, what security they had that British vessels could be admitted in the same manner as Austrian vessels into the Turkish ports?

Viscount *Melbourne* was understood to say, that that advantage must be secured by another treaty.

The Earl of *Aberdeen* said, that he still highly approved of the treaty, which was the same as the former one, with the exception of this new article; but he had been induced to ask the question, as it had been thrown out that some great and important addition had been made, which secured the free navigation of the Danube. At the time when he had the honour of signing the former treaty with the Austrian government, there was no necessity for any such stipulation, because then there was no steam navigation; but now it might be an important advantage, and as all the ports of the Danube were below the Austrian dominions, he had sought an explanation of the matter from the noble Viscount.

Subject dropped.

Sale of Beer.] Lord *Brougham* said, that last year he had given notice of introducing a Bill to repeal certain provisions of the Beer Acts of 1830, 1831, and 1835, which allowed beer to be sold and drank on the premises. He would now place that Bill on their Lordships' table; and, in doing so, he wished to state that a great mistake had gone abroad of his having changed his opinion on this subject. He brought in a Bill in the House of Commons to enable beer to be sold, not to be drank on the premises; there was a prohibition against its being drunk on the premises. Mr. Calcraft's Committee recommended that it should be drunk on the premises. He protested against that; but the House of Commons decided in favour of that recommendation of the Committee. Therefore, he had never altered his opinion, and every day's experience convinced him more and more that that opinion was originally well-founded. There was one clause which he had thought necessary to add to the bill which he had introduced last year, and that was a clause to prevent evasions, by consuming beer in the neighbourhood of the premises. The noble Duke opposite, last year suggested, that this measure had better originate elsewhere. He had taken that suggestion into consideration, and given it all the weight which a suggestion coming from so high a quarter deserved—and, upon the whole, he was of opinion there were reasons why the bill should be brought into the other House. A noble Friend of his there, was likely to bring it in; but that noble Lord being ill, he laid the bill on their Lordships' table, intending to go on with it if that other bill should not be brought in, or if it should be dropped or fail.

Report on Canada.] Ths Earl of *Durham* desired to ask the noble Viscount at the head of the Administration, whether he had been able to fix any day on which it would be convenient for him to lay the papers relating to the North American colonies on the table of this House, which had been referred to the other evening? He was induced to ask the question more particularly, because he had seen, with the deepest regret, a publication of a part, and a part only, of the Report. It was not doing justice to the Report, or to the great question involved in it, that there should be a publication of the conclusions adopted, without the arguments upon which they were arrived at being also given to the public. It was bringing the matter unfairly before the public, and therefore he must press on her Majesty's Government the paramount importance of laying all the papers immediately before the House, in order that their Lordships and the country might have an opportunity of judging of their contents. He had the less difficulty in asking this favour of the noble Viscount, because he had had the honour to receive an official communication from the noble Lord, then at the head of the Colonial department, but who was now no longer so, as their Lordships had that evening heard, conveying to him the assurance that the report had been laid before her Majesty, and stating also her Majesty's approbation of the attention he had paid to the subject. Having, therefore, received this communication, he could not conceive any difficulty in laying the whole of the report before the House. He would call upon the noble Viscount, as a matter of fairness to himself and to the country almost, as well as to those provinces which were so deeply involved in the importance of the inquiry, to take an early opportunity to produce the papers to their Lordships. Before he sat down, he hoped their Lordships would allow him to say a few words upon another subject connected with his mission. He had been informed, that in some quarters attempts had been made to prejudice him, in the public mind, with reference to the expense which had been incurred in the matter. In order that there might be no mistake on that subject, he begged to state, that every shilling of the expenses which could relate to himself personally, and all those items which had been so much spoken of and calculated upon, had been defrayed out of his own purse. His position, therefore, would be this—that he had not received any salary for his services, and that he should incur a loss of a sum of money not far short of 10,000*l.*

Viscount *Melbourne* said, that as to the report of the noble Lord which had been laid before her Majesty, how it had happened that so large a part of it should have transpired almost before it was known to either House of Parliament, or before it was made known to the officers of the Government, it was impossible for him to comprehend. It was a matter, which he lamented most exceedingly; but the publication of it certainly left no discretion at all with respect to the question of whether it should be laid before the House or not, because it would be idle to withhold from the Houses of Parliament that of which so large a part had been communicated to the country, and the whole of which it was evident the parties who had already published a portion evidently possessed the means of laying before the public. He should, therefore, fix Monday next as the day on which he would lay the report before the House.

The Earl of *Wicklow* availed himself of this opportunity to advert to a statement which had gone abroad that the report in question had been sent to that journal by the noble Earl (Durham) himself. This evidently could not be correct. But how a document of this nature could obtain publication before it was communicated to either House of Parliament he could not conjecture.

The Earl of *Durham* observed that it was not very natural that he should communicate with a journal in which his proceedings were generally mentioned so unfavourably. The fact was, he was not in the habit of taking it in; and it was only in consequence of being informed of the publication that morning that he had purchased a copy. The paper had given no foundation for such a report, for it only spoke of having received the report on the affairs of British North America from the Earl of Durham, [*hear, hear!*"] yes from the Earl of Durham to her Majesty.

Lord *Brougham*: Every one must see that it was not likely that the noble Earl would do a thing so injurious to himself as to allow his report to appear in a garbled state. There could be no reason for such a supposition.

The Earl of *Wicklow:* It was not stated that the document in the *Times* was a garbled report. It did not appear in toto, only because there was not room for it.

The Earl of *Durham:* If the noble Earl would take the trouble to look at the newspaper, he would see that I furnished no foundation for the statement that had been made.

The Marquess of *Londonderry* inquired when the noble Earl opposite (Durham) would bring forward a discussion upon Canada?

The Earl of *Durham:* My Lords I do not know that I am at all in a position to answer that question. I have been as a servant of the public, and I hope a zealous and faithful servant. I have given an account of my mission, and that report it is for your Lordships to decide upon. As to the course I may feel called upon to pursue, I do not feel myself at liberty to communicate to anybody, and certainly not to the noble Marquess, of whom, from his political opinions, I am least of all disposed to make a confident.

The Marquess of *Londonderry* said, I am not at all ambitious of the honour. There are certain circumstances, not relating to the question, between the noble Earl and her Majesty's Government, upon which I am desirous of making some animadversions on a future day; and I supposed that as the noble Earl would naturally be anxious to have a discussion at the earliest possible period, that he would from courtesy, inform me of the course he meant to take, that so I might shape my course accordingly.

The Earl of *Durham:* I am happy to learn what is the motive of the noble Marquess which appears to be to have the best opportunity of making animadversions upon my conduct. I can assure the noble Marquess that either upon this or any other occasion I shall be willing to answer any allegations he may bring against my public conduct, convinced as I am that however it may fail to meet his approval, it will secure the approbation of my country, and I trust eventually of my Sovereign.

The Marquess of *Londonderry*: The noble Earl had gone out of his way to speak about animadversions which he thinks I am to direct against him. Now, I have said no such thing, and I don't know what induced the noble Earl to think so—he must be very sensitive to fancy so; I said expressly, that the animadversions I was desirous of making, were not upon the question between the noble Earl and her Majesty's Government. I have stated distinctly that I conceive no person ought to censure the noble Earl till full information was presented, and I should be the last person to take such a course, and I think it rather hard that the noble Earl should charge me with what I have shown no intention of doing. It is my intention on Thursday next to propose certain questions to her Majesty's Government relative to what I conceive to be not a military but a very unmilitary proceeding according to the information that has been publicly promulgated at a certain military festival. I am desirous of knowing what communications have been made to her Majesty's Government on the subject, and what measures have been taken to admonish the individual in command, who unless I am much mistaken, is greatly to blame for what has taken place.

The Earl of *Durham* did not understand exactly what the noble Marquess alluded to. He understood him to refer to something that had taken place at some military festival, upon which he meant to found some resolution. If it was in reference to the affairs of Canada while he was in the office of Governor there, he should like the noble Marquess to state with a little more particularity what it was to which he alluded; because if it alluded to anything in which he was concerned, he should be prepared to give the noble Marquess the fullest information; but he felt at present quite unable to know what it was to which the noble Marquess referred, inasmuch as he had not even mentioned whether it was in North America or in Canada, the affair took place that he wished to inquire about. He hoped, therefore, the noble Marquess would state it a little more particularly.

The Marquess of *Londonderry* begged the noble Earl to understand the notice he gave this evening for Thursday should be confined to an inquiry of her Majesty's Ministers relative to a proceeding which had taken place, and which, if it had not taken place, the noble Earl (Lord Durham) would be able to deny. [Cries of *Where? where?"*] He thought the noble Lord could not doubt where that military festival was, which had been known, he believed, as much as that those who ran might read the proclamation of the noble Earl. He did not think it necessary to do more than to give notice, that on Thursday next he should put certain questions to her Majesty's Ministers relative to a proceeding which he believed had created as general a sensation in this country as any other circumstance which had occurred during the administration of the noble Earl, and he should put those questions relative to that matter, which must have made an impression on the mind of the noble Governor who was a Member of the Government, and who ought to have a constitutional, as well as a military feeling. Under these circumstances he did not think it necessary to state more than he had done.

Lord *Holland* asked what use could there be in giving a notice of motion when the ground on which that notice was founded was not stated? The question ought to be such as would desire information, and in his opinion should be such as should state definitively the nature of that information, and the particular grounds on which it was desired.

Earl *Minto* thought that there should be a notice given of the time, place, and circumstances, to which the noble Marquess alluded, in order to enable the parties concerned to know to what point the notice tended.

The Marquess of *Londonderry:* The individual to whom he alluded, and who was one of the noble Earl's council, had made declarations of principles, which he (Lord Londonderry) confessed had astonished him. He did not think it was the province of that individual to have put forward such declarations, either in his civil or his military capacity.

The conversation then dropped.

HOUSE OF COMMONS,

Friday, February 8, 1839.

Minutes.] Read a first time:—Registry of Births; Authentication; General Affirmation; Highways; and Registration of Electors.

Petitions presented. By Mr. Handley, from Spalding, against any alteration of the Corn-laws.—By Mr. Sergeant Jackson, from St. Peter's (Athlone), against the present system of Education in Ireland.—By Mr. W. Duncombe, from Selby (Yorkshire), against any alteration in the Corn-laws.—By Mr. Wallace, from Pollockshaws, for the total Repeal of the Corn-laws.—By Mr. Kinnaird, from Perth, to the same effect.—By Mr. Ward, from Sheffield, in favour of Free Trade, and a total Abolition of the Corn-laws.—By General Lygon, from Worcester, against the Sale of Beer Act.—By Mr. Christopher, from Lincoln, against any alteration of the Corn-laws.

Presentation of Petitions.] The Order of the Day for resuming the adjourned debate on the presentation of public petitions having been read,

The *Speaker* said, before the clerk read the petition, it would be desirable to read the resolutions of the House of the 6th of February, 1833, which necessarily had relation to this subject. It was to the following effect;—"That when a petition has been presented, and the prayer stated by a Member, the Speaker do desire such Member to bring the same to the table, and direct the clerk to read the same, without allowing any other Member to speak or put any question on such petition before the same has been read, unless it shall appear to the Speaker, or any Member, that the matter of such petition relates to a breach of the privileges of the House, or that, according to the rules and orders of the House, such petition ought not to be received."

Mr. *Hume* said, that it would probably be as well if the resolution of the 11th March was also read. It provided, that any Member who presented a petition should have previously read it, and be able to state the substance of its contents, and be prepared to say that in his judgment it was couched in proper language, and contained nothing disrespectful to the House. He suspected that this resolution would answer the intention, as it would leave it to hon. Members to say whether the petition contained matter for discussion or not, leaving it to the Speaker to interfere if he were wrong. He considered it would be better to abide by the resolutions of 1817.

The Clerk read the resolution and also what had been stated by the Speaker on this subject last night.

Mr. *Wallace*, was desirous that the petitions that were presented should be printed with the votes to be distributed to the Members. He would state to the House a practical fact, illustrating what at present took place with regard to the presentation of petitions. He had presented a petition to that House on the 27th of July last, hoping that it would be taken into consideration on the first notice day. He had been in his place every day during the time that Parliament had sat, and that petition had never been taken into consideration yet. One day during the interim, an election petition had been presented to which there was no opposition. A delay of half an hour took place, the House actually sat twenty-five or twenty-six minutes without transacting any business, and he proposed in desperation that the petition which he had previously presented should be then taken into consideration, when the Speaker interferred and prevented him, no doubt very properly and the petition had remained unconsidered up to the present hour. It was a petition of the greatest public importance. It prayed that the Acts of Parliament should be printed in a cheap form and sold at a price not dearer than the votes of that House. Unless some regulations were adopted, it would be totally impossible that petitions could be considered, as if he were to rise to speak on the subject, the hon. Member for Salford might get up and say, it was twelve or one o'clock, that it was a new subject, and that no hon. Member was entitled to enter on it at that hour. He thought that it would be better that no entry should be made of any resolutions on the Journals but that it should be left to the discretion of Members.

Lord *John Russell* moved that the resolution adopted by the House last Session, with respect to receiving petitions should be adhered to.

Mr. *Ward* said, that after the full discussion the subject had received yesterday, it was not his intention to occupy the time of the House. He should content himself by entering a protest by a division against laying down a rule which he conceived to be extremely bad and detrimental to the interests of the people, as it prevented discussion upon important questions. Having divided the House he should present the petition according to the rules now laid down, observing only that he wished to be bound by a distinct rule, and not by one liable to be mis-understood.

The House divided. Ayes 183: Noes 43.—Majority 140.

List of the AYES.

Abercromby, G. R.
A'Court, Captain
Alsager, R.
Arbuthnot, General
Ashley, Cooper
Bagge, W.
Baillie, H. D.
Baines, E.
Baker, E.
Bannerman, A.
Barnard, E. G.
Barneby, J.
Barrington, Lord
Bell, M.
Benett, J.
Bethell, R.
Blakemore, R.
Blennerhassett, A.
Blunt, Sir Charles
Bolling, W.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Buller, Sir J. Y.
Bulwer, Sir E. L.
Burr, D. H. D,
Busfield, W.
Calcraft, J. H.
Canning, rt. hon. Sir S.
Cayley, E. S.
Chetwynd, Major
Christopher, R. A.
Clerk, Sir G.
Clive, E. B.
Clive, R. H.
Codrington, C. W.
Colquhoun, J. C.
Conolly, E.
Craig, W. G.
Crawford, W.
Cresswell, Cresswell
Darby, George
D'Israeli, B.
Divett, E.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Dundas, F.
Eaton, R. J.
Ebrington, Visct.
Egerton, W. T.
Eliot, Lord
Ellice, E.
Euston, Earl
Farnham, E. B.
Feilden, W.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Filmer, Sir E.
Fort, J.
Fox, G. L.
Fremantle, Sir T.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. W.
Gore, O. J. R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Hale, B. R.
Halford, H.
Handley, H.
Hardinge, rt hon. Sir H.
Harland, W. C.
Hawkins, J. H.
Hayes, Sir E.
Hayter, W. G.
Heneage, E.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Hope, hon. Jas.
Hope, G. W.
Hughes, W. B.
Ingestre, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Jenkins, R.
Johnstone, J. J. H.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, Sir E.
Lascelles, hon. W. S.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lennox, Lord T. G.
Lister, E. Cunliffe
Long, W.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Marshall, W.
Maule, hon. F.
Mildmay, P. St. J.
Milnes, R. M.
Mordaunt, Sir J.
Morpeth, Lord
Murray, rt. hon. J. A.
O'Brien, C.
O'Brien, W. S.
O,Callaghan, hon. C.
O'Conor, Don
Ord, W.
Packe, C. W.
Parker, John
Parker, M.
Parker, R. T.
Peel, rt. hon. Sir R.
Pendarves, E. W.
Perceval, Col.
Phillips, Sir R.
Philips, M.
Pigot, R.
Planta, rt. hon. J.
Polhill, F.
Ponsonby, C. F. A. C.
Protheroe, E.
Pryme, G.
Pusey, P.
Redington, T. N.
Rice, E. R.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Sanford, E. A.
Sheppard, T.
Shirley, E. J.
Smith, B.
Smyth, Sir G. H.
Somerset, Lord G.
Speirs, A.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Stansfield, W. R. C.
Stewart, J.
Stock, Dr.
Strutt, E.
Stuart, V.
Sturt, H. C.
Style, Sir C.
Teignmouth, Lord
Thomson, rt. hon. C. P.
Trench, Sir F.
Verner, W.
Waddington, H. S.
Walker, R.
Wall, C. B.
Walsh, Sir J.
White, A.
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, H. J.
Winnington, T. E.
Wood, T.
Wrightson, W. B.
Wynn, rt. hn. C. W
Young, J.

TELLERS.

Campbell, Sir J.
Grey, Sir G.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Blewitt, R.
Bryan, G.
Butler, hon. P.
Chapman, Sir M. L.
Codrington, Sir E.
Collins, W.
Dennistoun, J.
Duncombe, T. S.
Fielden, J.
Grote, G.
Hawes, B.
Hector, C. J.
Hindley, C.
Horsman, E.
Hume, J.
Hutt, W.
Johnson, W.
Langdale, hon. C.
Langton, Col. G.
Leader, J. T.
Lushington, C.
Maher, J.
Molesworth, Sir W.
Norreys, Sir D.
O'Connell, M.
O'Connell, M. J.
Parrott, J.
Pechell, Capt.
Salwey, Colonel
Scholefield, J.
Strickland, Sir G.
Tancred, H. W.
Tennent, J. E.
Thornley, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Williams, W.
Wood, Sir M.
Wyse, T.
Yates, J. A.

TELLERS.

Ward, H. G.
Villiers, C. P.

SUPPLY.] On the motion of Lord John Russell the House went into Committee of Supply. That part of her Majesty's Speech relating to the estimates for the year was read.

Mr. *Hume* said, it had been usual on such occasions as the present, when objections were taken to the policy of the Government, to state those objections, particularly when the grievances of the people were not attended to, or when they had complaints of serious moment to bring before the House. He was sorry to say, that the chance of obtaining a redress of their grievances was every day farther off. The first day they had met they had been told by a very large majority of that House he admitted—426 to 86—that the Reform Bill had answered all its purposes. [*No, no.*] It was the same thing. One side had put the proposition, and the other side denied it. He was sorry that hon. Members had come to that decision, for the people of the country would think the House meant to stifle their petitions. He said so, and thought so. Hon. Gentlemen might excuse themselves for the vote they had given on the plea of the time being improper, but he could not help expressing a hope, that the time might come when the trammels of an Address would not prevent men from expressing what their opinions were upon such important subjects. It appeared to him, to take from them the right of stating the nature of, or interpreting the wants with which petitions were charged. That this resolution would be taken by the great bulk of the people in the country, as a practical resolve to prevent a proper statement of their grievances, there was no doubt. It was on that account that he voted as he did. They had declared that this was to continue, notwithstanding that its introduction was so novel, and that it had so little to recommend it. When the House was about to vote away the money of the people in the Committee of Supply, he hoped some hon. Gentlemen on the other side of the House would make a specific motion, that this question should be settled by a confirmatory vote of the House. They ought to have the public Minister put on the same footing as individual Members in regard to giving notices. He would submit, that when they went, the Speaker took the chair—all notices should be given by the Minister of the day, in order that Members might know what was likely to be brought on. For instance, last night a notice of a Committee of Supply was given just before the House adjourned, when there were only about ten Members present, so that scarcely any one was aware of that notice until they saw it in the votes the next day. He submitted it would be desirable that Members of the Government should give notices at the same time that other Members were bound to give them. He wished to enter his protest against money being voted as heretofore, while all redress was refused to the people.

Mr. *Warburton* was not present during the discussion of the motion of the hon. Member for Sheffield, not being aware that it would come on so early, but if he had been present, he would have stated, that although he was perfectly willing to admit the convenience of the rule generally that had been adopted, yet that they ought not to take away the right of deliberating on petitions. During the first ten years that he sat in Parliament, he remembered that debates occurred upon this very Corn-law question, until nine o'clock in the evening, when each Member who presented a petition, had not only the right of debating upon one question, but of debating on four. There was first the question—"That this petition be brought up;" next, there was the question, "That this petition be now read;" then there was the question, "That this petition do lie on the table;" and then came the fourth question very often, "That this petition be printed." So that every Member presenting a petition had not only the opportunity of speaking on the full merits of all the subjects adverted to in the petition, but had the opportunity of speaking not less than four times—a right which applied to no other sort of motion. He could not disguise from himself, that except from the right of repeatedly debating questions on which petitions might be presented from the people, it would have been impossible to have carried many great questions that had been carried. Where would Negro Slavery—the emancipation of the Catholics, and the Reform of Parliament have stood, if it had not been possible to debate the question again and again until the people were excited upon them, and came forward with petitions. If this right were taken away, there were other modes left. It would not be difficult to introduce Poor-laws, or any other subject. He would recommend those individuals who thought the attention of the public had not been sufficiently drawn to the Corn-laws to take that step.

Colonel *Conolly* could say, from his

own experience of what had taken place for the last four years, so far from limiting the right of the public, it had done much towards facilitating the object of petitions. He thought that the speech of the right hon. Member for Tamworth had exhibited the subject in a proper point of view. But that the motion recently disposed of was shewn not to be intended to increase the right of the subject to petition, but to give a facility to every person to dilate, and give a paraphrase separate from the petition itself. His mind was satisfied that the right of a petitioner remained unimpaired. He had remarked last Session that many petitions sent from London to the country had been forwarded to the House. He concluded that these were the class of petitions which the hon. Member for Kilkenny thought 300 might be classed as one. His purpose in alluding to them was to shew that they had no other object than the excitement of the people, instead of their legitimate object —the submitting their grievances to the deliberate assemblies of the country. He presumed, as the hon. Member for Kilkenny had passed the whole of the vacation among his constituents, he referred to their particular grievances.

Mr. *O'Connell* thought the hon. and gallant Member had made a trifling mistake, for he had called this a deliberative assembly. That was certainly going a great way. The gallant Colonel came here quite uncertain how he should vote; it was only by the result of the debate that he was induced to vote either one way or the other, but all hon. Members were not so unprejudiced; and it was therefore a mistake to say that this was a deliberative assembly. His hon. Friend near him had also fallen into a mistake, in stating that petitions formerly were spoken to four times, for the old practice of the House really gave an opportunity of speaking on them eight times. There was a great difference between that plan of proceeding and a Gagging Bill to prevent petitions from being discussed at all, which was the greatest violation of the old principle that could possibly take place. It would make the House disreputable in public opinion. The sooner the public were aware that the House treated their petitions with contempt by not deigning to listen to them the better; the remedy would come the sooner, and the public, who petitioned in vain, would then clamour in such a way, that though the gallant Officer might not be intimidated, a strong impression would be made on others, which would be likely to induce them to go a little further in the career of Reform.

Mr. *Clay* said they were now acting on the plan of deciding first and speaking afterward. The practice which had been formerly pursued by the recent division, seemed to have become a rule, and hon. Members had been securing convenience to themselves at the expense of the rights of the public. He believed that short and animated debates on petitions, were much attended to by the people, such debates presented opportunities for stating facts.

Resolution, that a supply be granted to her Majesty put and agreed to.

HOUSE OF LORDS,

Monday, February 11, 1839.

MINUTES.] Petitions presented. By Lord WYNFORD, from Berkenham, against the New Poor-law.—By Lord GRANTHAM, from Bedford, for an Alteration in the Beer Law.—By the Earl of RIPON, from Alford, against any Alteration in the Corn-laws.—By Lord BROUGHAM, from Borrowstounness, for a total Repeal of the Corn-laws.

TREATY WITH TURKEY.] The Earl of *Ripon* had, he said, in allusion to the sixth article of the Turkish treaty, to ask a question of his noble Friend. The treaty referred to the whole of the dominions of Turkey. He wished to know whether the British Government had had any understanding with the Pacha of Egypt as to carrying into effect his part of the treaty so far as related to the portion of territory under his controul. It was true, that the Pacha of Egypt was nominally the subject of the Porte, but for all practical purposes he was in the state and condition of an independent sovereign. Now, the whole of the policy, commercial and financial, of that eminent personage, was at direct variance with the stipulated treaty. The article provided, that monopolies should be put an end to in the Turkish dominions. Now, it was notorious, that that very extraordinary personage was a great monopolist of every staple article of the country; for instance of cotton. That article was not suffered to be disposed of to any individual merchant, but must be sold to the Pasha himself. It was, therefore, important to know whether any understanding had been entered into with that individual; because, if the Pacha of Egypt did not choose to give up his system of monopoly, he might resist this treaty, and then they would be placed in this singular predicament—either to give up the treaty, as it respected Egypt, or to call upon Turkey to coerce the Pacha: or if the Pacha should prove refractory, and they were not able to obtain redress from the Turkish government they themselves might be obliged to take measures to coerce him. It was, consequently, of great importance to the commercial interests of this country to know how that matter stood and to ascertain whether British merchants might proceed to Egypt for the purpose of carrying on trade in the manner indicated by the treaty.

Viscount *Melbourne* said, that it was not at all extraordinary, that the matter should have struck his noble Friend in the manner that it had done, nor that he should have put the question which their Lordships had just heard. In answer to his noble Friend he had to state that the Pacha of Egypt had distinctly and directly stated to Colonel Campbell, the English Consul, that it was his intention to accede to the stipulations of the treaty, and to carry them into effect.

Privilege.] Lord *Brougham* assured their Lordships that it was particularly painful to him to allude to anything in which he was personally concerned. He should not now do so, but, that he had seen the disposition manifested to persist in stating, with respect to himself, that which was untrue, and which was, that this House had been guilty of a breach of privilege in suffering him to take notice in this House of that which had happened in the other House of Parliament. He was, in the recollection of their Lordships, when he said, that he did not take notice; on the contrary, he purposely abstained from taking notice, of what any man had said in the other House, or of any one thing that had been said in the other House. A speech in Ireland was not something that had passed in the other House. A letter written to Birmingham, was not something that had passed in the other House. But, notwithstanding, that he had distinctly stated, that on Friday last he had done so, he found it stated yesterday, in a Sunday paper, that the Speaker had pronounced a sentence on his conduct, as having infringed the privileges of that House, by alluding in their Lordships' House to what had passed there. He would again say, that he could not believe, that that distinguished individual said any such thing; but, if he did say any such thing, he was bound to add—not, that that distinguished individual told an untruth, which he was utterly incapable of, but—that somebody had told him what that somebody must have known to be untrue, and had made that distinguished individual the medium of conveying it to the House. He should not have noticed this, if he did not find, that it had been again urged, that that right hon. Personage had done that of which he was quite incapable.

Viscount *Melbourne* said, that on the occasion referred to by the noble and learned Lord, he certainly had not animadverted upon proceedings in the other House of Parliament, nor of anything that had passed there. At the same time, he believed, that there was no foundation for the statement, that the highest authority in the other House had used expressions calculated to produce the impression which the noble and learned Lord stated had been produced. He was quite certain, that the right hon. Gentleman referred to would be the last person to have said, that which would be hurtful to the feelings of the noble and learned Lord.

Lord *Brougham* quite agreed with the noble Viscount; but the government print of yesterday stated, that the right hon. Gentleman though he had said so, did not believe it.

Canada.—The Earl of Durham's Report.] Viscount *Melbourne*: I now rise, my Lords, for the purpose of laying on the table the papers which I said last week it was my intention to present to you. They contain the information which her Majesty in the Speech from the Throne directed to be laid before this House, and also the report from the noble Lord the Governor-General and her Majesty's High Commissioner in Canada. It is quite unnecessary for me to say much to enforce upon your Lordships both the importance of these documents and of the matters to which they refer. I wish, however, to say one word expressive of the feelings of her Majesty's Ministers, both with respect to the urgency of this question, and also as to the absolute necessity of introducing, without any further delay, some measure which will put an end to the state of things which now exists in Canada. It was of course quite impossible for us to make up our minds upon this difficult subject until we had been put in possession of the various suggestions and views of the noble Earl; but I beg to say, now that we are in possession of that information, and of his opinions, we mean to lose no time in the matter; and I hope and trust that before Easter we shall be able to introduce a measure calculated to establish a firm government there, and to put an end to the present system.

Lord *Wharncliffe* wished to receive some explanation of the fact, that the papers which were now laid before their Lordships had been for some time in the hands of other persons?

Viscount *Melbourne* said that it was out of his power to give any explanation on the subject.

Lord *Wharncliffe*: It certainly is a most unprecedented thing to find a report (which has been formally laid before her Majesty, and which has not been placed on your Lordships' table) in the possession of the public prints a week after it has been drawn up. When this matter had been referred to the other night, the noble Viscount, and the noble Earl opposite, declared that they had seen that report with the greatest surprise. Now, if it be true that those papers were printed for several days before they were published, it appears extraordinary to me that either of the noble Lords should have been surprised. They ought to be the very last persons in the world who should feel surprised at such a circumstance. Can any body, who knows that papers are printed, be so very short-sighted as not to see that they must find their way into the newspapers. Your Lordships must be aware from the great pains taken by the conductors of the public press to procure information, and the great competition which exists amongst them to forestall one another that any papers which are printed by Parliament, and are of any interest are sure to find their way into the newspapers. It then appears to me, that the surprise expressed by the noble Earl, and the noble Viscount, upon this subject was unaccountable. And now, my Lords, having read this report, I must say, that if ever there was a report, made on any subject, by a person under the direction of the Government, that ought to have been kept from the public until it had been first submitted to those for whose perusal it was undoubtedly intended, this is of all others the document that should have been so treated. I regret that by any means it should have found its way into the newspapers. I regret that anything should have been done which expressly and purposely has taken away from her Majesty's Government the means of considering that report before it was printed. My opinion is, that a commission having been appointed by Government to inquire and report to the Queen, should take care that the matters in that report should not first go to the public. In it, more especially the portion of it which relates to Upper Canada, there are statements which require the greatest consideration on the part of her Majesty's Government, and it is most dangerous that they should have been made known by this mode of publication. I do hope, that it will be explained how this report came to be published before it was laid on the table of this House; for never was there a subject more likely to involve this country in the greatest difficulty.

The Earl of *Durham:* I presume, my Lords, that I am to understand that the observations with which the noble Lord concluded, are directed against myself. If that be the case, I beg to tell him with the greatest respect, with the greatest courtesy, but with the greatest determination, that they are utterly destitute of foundation. I know of no reason whatever that entitles him to make them; for he has utterly misrepresented what I said the other night in this House, I never expressed my surprise that the report should have been published, but I did express my regret, that a portion, and a portion only of it should have been laid before the public. How does this matter stand? I was urged repeatedly, and very naturally so, by her Majesty's Ministers, to produce this report at as early a period as possible, in order, that it might be ready before the meeting of Parliament. I did so; but it was at the expense of considerable labour, and great anxiety of mind. It was utterly impossible for me to furnish manuscript copies, and to prevent excess of labour, and cost, the report was, as it was prepared, sent in proof sheets to her Majesty's Ministers. By this means all was prepared, and a printed office-copy was sent on a Saturday night, and, as I understand, it was laid before her Majesty, in that state on Monday. At that period I was informed at the Colonial-office, that the papers would be laid on the Table of the House at the meeting of Parliament, and for which purpose, I understood, that two thousand copies had been printed. When I found, that a change had taken place in this arrangement, and that it was not intended to present them at the meeting of Parliament, I put the question to the noble Viscount at the head of her Majesty's Government. That question and answer are within the recollection of your Lordships. On my return home that night I found the following communication from the Secretary of State for the colonies, and which, as it is a public document, I venture to read to the House. It is dated "Downing-street, 5th February, 1839," and signed "Glenelg." The letter says—

"Downing-street, Feb. 5, 1839.

"My Lord—I have the honour to acknowledge the receipt of your Lordship's letter of the 31st ult., transmitting your report as her Majesty's High Commissioner on the affairs of British North America.

"Having had the honour of laying this report before the Queen, I am commanded to express to you her Majesty's approbation of the attention which you have devoted to this important subject, and of the full and comprehensive view which you have taken of the various interests involved in it.

"I need not assure your Lordship, that this report will receive the most careful and attentive consideration from her Majesty's Government. On a matter of such grave importance, and in the absence of the appendix to your report, which has not yet been received, I am, of course, unable to express any opinion on the recommendation which you have made; but her Majesty's Government will not fail to take it into immediate consideration, in the hope, that the result of your labours may lay the foundation of a permanent settlement of the interests involved in the commission which was confided to you by her Majesty.

I have, &c.

(Signed) "Glenelg.

"The Earl of Durham, G.C.B., &c. &c &c."

—Now, my Lords, it was not until after the formal communication which had been thus made to me through her Majesty's Secretary of State;—it was not until I had formerly concluded the subject on which I had been engaged as her Majesty's Commissioner—it was not until my public duties had been thus completely terminated—it was not until I received from one of her Majesty's Ministers official permission to communicate the report to my friends, that I confidentially communicated it to a few of my friends. But having, as I conceived, the approbation of a Minister, I did conceive that I was at liberty to communicate that report confidentially to a few of my friends. This, then, my Lords, is all that I know of the transaction and I beg to repel the insinuation, or the charge, that I am in any degree responsible, or held to be an accessary to the publication of the report. It is the more necessary for me to do this from the manner in which the accusation was cheered by the noble Earl (Lord Wicklow), who put a question to me the other night, founded upon a misapprehension with respect to a paragraph in the paper which gave the publication of the report. I did not then, no more than now, express surprise at the fact of the publication of the report. If it was true, that 2,000 copies of the report have been printed, is it to be a matter of surprise that the report should have found its way to the public? As far as I am concerned, but a few copies were distributed, not more than half-a-dozen amongst my friends, and, that not till after I received the communication from her Majesty's Secretary of State. That is all the observations I have to make with respect to the insinuations of the noble Lord. I thank him for making them, I am exceedingly obliged to him, for they have given me this opportunity of directly repelling them, which otherwise I must have been deprived of.

Lord *Wharncliffe:* I made no insinuations against the noble Earl. He expressed his surprise at the publication.

The Earl of *Durham:* I rise to order. I have already said, and I am astonished the noble Lord does not attach any weight to the assertion, that I did not say, I was "surprised." I said I deeply regretted the publication of a part only of the report, but I did not say I was "surprised."

Lord *Wharncliffe:* I repeat it, that I made no insinuation against the noble Earl, but I must express my surprise that when he had distributed several copies to his private friends, he should have expressed any surprise, that any injustice had been done him in the publication, or that he should have thought, that he had any right to complain, Surely, when he distributed the copies amongst his friends, he must have supposed that the report would get into print. Here we have a giant press, whose chief object seems to be to precede each other in information; and could, then, the noble Lord believe, that when a number of copies were distributed amongst his friends, that one of these copies would not get into the newspapers? I am surprised, when he did thus distribute copies, how he should have expected that they would not obtain publicity. I give him credit for the assurance that he had nothing to do with it. [" *Hear, hear!*" from Lord Durham.] The noble Lord may believe me or he may not, as he chooses: but I certainly do give him credit for his assurance that he himself did not send the report to the newspapers. I naturally acquit him of any such intention; but I do repeat, in the face of the House and of the country, that he, as a Commissioner, having a report to make to her Majesty, ought to have used every means to prevent any one seeing that report until her Majesty's Ministers had had the opportunity of well considering it, and, in fact, of deliberating upon every line of it.

The Earl of *Durham* was understood to say, that he had the permission of one of her Majesty's Ministers to communicate the report privately to a few of his friends.

The Earl of *Aberdeen* remarked, that though the report was presented printed, as the noble Lord said, because he could not make manuscript copies; there must have been a manuscript, and he did not see the difficulty of forwarding that to the Ministers. If he understood the matter correctly, her Majesty's Government first saw the report in a printed form. This was liable to very great objection, for her Majesty's Government ought to be in a condition to prevent a publication, and persisting in such a practice was likely to compromise them very much. To receive the report printed, the Government must have surrendered all the discretionary powers they ought to exercise to the noble Lord. It was to be observed, that in preparing a report, a Commissioner might state things, which it would be very proper to state, as matters to be considered by the Government, but which might be extremely improper to have laid before the public.

The Earl of *Wicklow* admitted, that what the noble Earl had stated on a previous evening, was, that he saw, not with surprise, but regret, that part of the report only was published. He had put the question to the noble Earl the other night, for the purpose of ascertaining whether the extracts published were garbled or not; and he understood they were not. From what had then fallen from the noble Earl, he did not believe, that he could possibly be privy in any way to the report finding access to the public press. Now the noble Earl said, that he was not surprised at the publication. He could only say, that he wished the noble Earl had so stated the other night. And yet it was rather astonishing, that both the noble Earl and the noble Viscount should have conveyed the notion that they were both surprised at the publication of the report. He took it for granted, that the permission to issue some copies of the report to the friends of the noble Earl, was given by a Cabinet Minister. If so, the whole Cabinet was responsible; for he knew of no such thing as a single responsible Cabinet Minister. He wished to know, did the noble Viscount justify that proceeding? It was plain, that the whole of the transaction was a gross irregularity. The question which they were then discussing, was one that they ought never to have the power of having a discussion upon. The noble Earl ought to have drawn up his document in the usual way; and if he had done it in that way, an insult would not have been offered to both Houses of Parliament, such as had occurred in the present instance.

Viscount *Melbourne* quite agreed in some of the observations that had been made, that any course was liable to very great objection which took away that discretion which ought to be exercised, whether a matter ought to be produced or not, and which, though it might be fitting for a party to state, might still happen to be very unfit to be given to the public in this country and in Canada. The noble Lord (Wharncliffe) had expressed some astonishment that he should have been surprised at that report obtaining publicity. He was surprised at it, though he knew very well that copies that were printed were likely to come into the hands of those who would use every ingenuity to obtain them. The course pursued in this instance was that which had been followed in others where documents were about to be distributed for the perusal of Parliament. He had frequently known of papers of equal interest with this, or what he certainly considered at the time to be of equal interest, and which were looked for with as great, if not greater anxiety on the part of the conductors of the public press, and which had been printed in a similar manner with this document; but this was the only, the single instance in which they had thus transpired. He had never known them so to transpire before. With respect to what the noble Lord said of his permission to communicate the report to any persons, he must say, that he was himself totally ignorant of any such transaction. Of course, if the noble Lord thought he was right in communicating the report to some of his particular friends, and did that, then he made himself responsible for the discretion or the indiscretion that was exercised respecting it.

The Earl of *Devon* observed, that the printing of papers for that House was a patent office, and the practice was for different officers to give employment to favourite printers. The habit, then, was to have these things done in private printing-offices, and being thus printed, there was not a sufficient check over them. There was, in this respect, an infringement upon the privileges of the House, and they saw by that report what evils were likely to arise from it.

The Marquess of *Westmeath* remarked, that as it was evident the discussion upon the affairs of Canada was to be postponed *sine die*, he was the more anxious to make a few observations respecting them. The noble Earl had done the House the favour of telling their Lordships that there was the balance of an account due to him; and that the public were indebted to him in the sum of 10,000*l.* He did not like that any one of her Majesty's subjects should be able to say that money was due to him for services, supposing them to be much smaller than those of the noble Earl actually were. If her Majesty's Ministers were responsible for any account between the noble Earl and the public, then the public would require that the sum due should be paid before any thing was done on the subject of Canada. Towards the close of the last Session, a certain statement had been made as to appointments; and then it appeared that the noble Viscount and the noble Earl were at issue on the ground of these appointments.

Lord *Brougham* begged to call the noble Marquess to order, as there was then no question relating to Canada before the House, and the noble Marquess was about to enter upon it. In no respect could he quite agree with the noble Marquess that the discussion of the affairs of Canada was to be postponed *sine die*. On the contrary, he had an idea that there would be "no day" without a discussion upon Canada. It would he believed be discussed on all sides, and he was sure that the measures of Government respecting it must be discussed. He put it then to the noble Lord whether it would be proper to discuss them in the manner he was now doing, and without any notice upon the subject.

The Marquess of *Westmeath* said, he did not desire to go further into the subject at present; but what he wished to call their Lordships' attention to was the claim which the noble Earl alleged he had against the public, and for aught he knew, it might possibly happen that the report was cheap at 10,000*l.*

The Earl of *Durham* wished to set the noble Marquess right; if the noble Marquess chose to be set right. He had never stated that he had a claim against the country for 10,000*l.*—he had never stated that he had a claim for 10*d.* against it. As to his personal expenses, which he had referred to, he had made no charge for them, having formed the determination to defray them out of his own pocket. He did not, and had not said that was a charge against the country, but that his determination was not to charge her Majesty's Government with those expenses. He did state, undoubtedly, that the expenses, voluntarily incurred by himself, did amount to a sum little short of 10,000*l.* He might now, he hoped, be permitted to ask the House whether it were intended that this subject should be disfigured by personalities? Was this the mode in which their discussions and their debates relating to Canada were to be carried on? If noble Lords wished to indulge in personalities, he offered himself to them to pursue the course which seemed to them the best. Let them say of him what they pleased; let them set apart one day for personal attacks; but then let these things be finished, and then let them come to the great and important question, and the mighty interests involved in it, without any admixture of low, petty, and personal feelings.

The Marquess of *Westmeath* wished always to be set right, and he should be very sorry if the noble Earl could suppose he did not entertain that desire, or that he was influenced by personal feelings, or had any desire to indulge in personality. It was only on the ground of his being a public man that he had at all referred to the matter.

The Marquess of *Londonderry* said, that from what had passed that evening he was induced to withdraw the notice he had given for Thursday. He had considered that he should have been able to have expressed a professional opinion of the affairs which had taken place in Canada, independently of the general question. But finding, from the papers now laid on the table, the certainty of a discussion of the most important nature upon the whole subject, he considered that it ought not to be taken up in detached details. He reserved to himself, however, the right of taking up the professional view of the subject when the matter should come under debate. Before he sat down he must take leave to say one word in reference to what passed on Friday evening. He, perhaps, should not have resisted a specification of the place to which he then alluded, had it not been, that the noble Lord, the commander-in-chief of her Majesty's forces, made a direct call upon him for that specification, when that noble Lord must have recollected that that very morning he had had a conversation with him upon the subject, and he had asked him for a public order, which had been sent out to Sir J. Craig, and afterwards promulgated by the Duke of York, which the noble Lord had refused. The noble commander-in-chief, therefore, having been put fully into possession of every information on the subject by him within two hours of the time at which the subject was mentioned in their Lordships' House, he was the last person surrounded by any set of noble Lords who ought so discourteously to have persisted in calling for that specification. He respected the noble Commander-in-chief, and had always respected him, and looked up to him, and he did not expect such conduct from the noble Lord.

The Navy.] The Earl of *Minto* wished to ask the noble Earl who had withdrawn his notice respecting the state of the navy, whether it was his intention again to bring it forward on an early day, or whether he was disposed to name any future day for his motion?

The Earl of *Hardwicke* was not, he said, disposed to bind himself over that he would not bring it forward. He had given a notice for the discussion, and his order had been discharged; but having done that he should not then say that he would not bring on some motion on the same subject during the Session. He begged leave to give notice to the noble Lord that he meant to ask him some questions to-morrow with respect to naval education.

Lord *Colchester* felt himself placed in rather an awkward position, in consequence of the withdrawal of the notice of motion by his noble Friend, which he could not help considering unfortunate. He had made certain statements in reference to what had fallen from a noble Lord opposite at the commencement of the Session, and he had hoped to have an opportunity of making good those statements. He trusted that an early opportunity of discussing this subject would be afforded. He wished most sincerely that the favourable statements recently made regarding the condition of the navy might be made good. It would give him much greater pleasure to have his own humble opinions proved erroneous, than to find them substantiated.

The Earl of *Minto* said: I understand from what fell from the noble Earl (the Earl of Hardwicke), that he is not at present determined to bring on any discussion, or to make any motion on the subject of which he has given notice. I take this opportunity of stating that I perfectly agree with what fell from the noble Lord who spoke last, that it is exceedingly unfortunate, especially as regards the impression made upon the public mind, that the noble Earl has abstained from the discussion, to which I have been so long and so anxiously looking. I only wish now to say, that if the noble Earl, or any other noble Lord, should think proper to bring on this question, I shall be prepared to defend the administration of the Admiralty as at present conducted, and I hope to furnish a complete answer and refutation to the numerous misstatements which have been forced upon the public. I do not consider it necessary to express a hope that whenever this question is mooted it may be brought forward, not in the shape of a question, or in detached fragments of a case, but that the state of the navy, on which so much misapprehension has prevailed, may be made the subject of a substantive discussion, in order that I may have an opportunity of defending the Admiralty, and the noble Lords opposite an opportunity of making good their attacks.

Lord *Colville* hoped that, whenever the subject should be discussed, it would not be treated as a party question. He regretted that it was not likely to be brought forward immediately. There was, he knew, a very strong feeling on the subject through the country, and it had been made the ground of extensive correspondence. The general feeling was, and he concurred in it, that the navy, that hitherto strong arm of the country's power, had of late years been much neglected. If the discussion of the question should tend only to shift the blame of this neglect from the shoulders of one party to those of another, it would do no good. What he wished was, to have the whole question calmly and fairly considered, and then we should arrive at the truth as to the real condition of that force. We should remember what we owed to our navy, what was the present state of our commerce, and what would it have been but for the glorious achievements of our navy? He again hoped that the subject would receive that attention which its importance deserved.

Subject dropped.

HOUSE OF COMMONS,

Monday, February 11, 1839.

MINUTES.] Bills. Read a first time:—Salmon Fisheries (Scotland), No. 1 and 2.

Petitions presented. By Sir GEORGE SINCLAIR, from one of the Orkney Isles, for a repeal of the Union of the Isles.—By Mr. COLQUHOUN, from Glasgow, against the Regulation of Wages Act.—By Mr. BAINES, from Leeds, by Mr. FERGUSON, from the Kirkaldy Chamber of Commerce, by Mr. M. PHILIPS, from the Manchester Chamber of Commerce, by Mr. HINDLEY, from Ashton-under-Line, by Mr. ELLICE, from St. Andrew's, and by Mr. HASTIE, from Paisley, for the Repeal of the Corn-laws.—By Lord M. HILL, from Evesham, for a uniform Rate of Postage.—By Mr. CHRISTOPHER, from the Justices of the Peace for the parts of Lindsey (Lincolnshire), against Beer Shops.—By Lord DUNGANNON, from Denbigh, and three other places, for the Extension of the Church Establishment in Canada.—By Mr. EATON, from four places in Cambridgeshire, and by an hon. MEMBER from Alford, against the Repeal of the Corn-law.

CORN LAW PETITIONS.] Mr. *Baines* said he had to present a petition from the borough of Leeds, signed by upwards of 23,000 of the inhabitants of all classes—merchants, manufacturers, bankers, retail traders, artisans, and manufacturing operatives. In presenting this petition, he should conform to the rule laid down by the House for the government of its Members, and state only its material contents; but he must claim the attention of the House to the allegations and to the prayer of this important document, engrossing, as it did, in clear and forcible language, the leading principles, arguments, and facts, upon which the petitions for the repeal of the Corn-laws were generally grounded. The petitioners alleged—

"That all men had an inalienable right to the free exchange of their capital, skill, and labour for the productions of the people of their own and foreign nations; and that all restrictions on the interchange of nations are unjust in principle and injurious in practice. That the welfare of all the industrious classes of the British empire was inseparably bound up with the prosperity of its foreign trade. That the manufacturers of this country for a long series of years had enjoyed great advantages from the amount of their capital, the perfection of their machinery, and the industry and skill of their workmen. These advantages (the petitioners said) were no longer in the exclusive possession of this country, but that the other nations of Europe, wisely availing themselves of twenty-three years of peace, and having accumulated abundant capital to form manufacturing establishments and to train skilful workmen, were not only supplying their home markets with manufactured goods, which in former years they imported from this country, but were successfully competing with the British manufacturers in the common markets of the world. That the formation and consolidation of the manufacturing system of the continent was, in their opinion, in a very great degree attributable to our Corn-laws, which, by excluding grain and other agricultural produce from our ports, which the European nations had alone to offer us, had prevented them from purchasing our manufactures, and compelled them to manufacture for themselves. That they regarded this state of our affairs, as a manufacturing nation, with unfeigned alarm, and they expressed their deliberate and solemn conviction, that in order to maintain successful competition with our foreign rivals, and to preserve the capital of the nation from destruction, either the Corn-laws must be repealed, or the wages of labour in this country would be forced down to the level of the money rates paid for labour on the continent of Europe."

And in conclusion they declared—

"That a large reduction of manufacturing wages, while the Corn-laws are maintained, which enhance the price of the prime necessaries of life from 60 to 70 per cent. above the price of the continent, for the benefit of a small class of the whole community, would not only be productive of severe privation and suffering amongst the vast operative population by which the petitioners are surrounded, but will incite intense and just indignation, threatening the stability and very existence of our social and political institutions."

And they earnestly pray,

"That as a measure of strict justice to all the consumers of food, as the only mode by which the foreign trade of the nation, and the comfort and prosperity of its whole population could be preserved from destruction—as a necessary means to the stability of our social institutions—and as a guarantee for the maintenance of peace amongst the civilised nations of the world, this honourable House would repeal the laws, relative to the importation of foreign corn and other foreign articles of subsistence, and carry out to the fullest extent, both as regards agriculture and manufacture, the true and peaceful principles of free trade, by removing all existing obstacles to the unrestricted employment of industry and capital."

In the allegations and prayer of the petition he cordially concurred, and he moved that it should be brought up.

Petition laid on the table.

THE NATIONAL CONVENTION—MR. FROST.] Mr. *Praed* rose to put a question to the noble Lord the Secretary of the Home Department upon the subject of a statement which had appeared in the public papers relative to a gentleman of the name of Frost, who was a magistrate of the county of Monmouth, and also a delegate to a body now meeting in the metropolis, calling itself the National Convention. It was stated that this individual had received a letter from Lord J. Russell, stating to him, that if he did not withdraw from the proceedings of the Convention he would recommend the Lord Chancellor to remove his name from the commission of the peace. He (Mr. Praed) wished to know whether it was true that official notice had been called to the fact that this magistrate was a member of the National Convention; and whether, after that official notice had been taken, he still continued to be a magistrate?

Lord *John Russell* said it was quite true, that upon observing in the public prints that Mr. Frost had attended public meetings of a violent character, and had been appointed a delegate to the National Convention, he directed a letter to be written to him to account for these circumstances, explaining that it was not with any view to a legal prosecution, but with a view to ascertain whether he ought not to recommend the Lord Chancellor to withdraw his name from the commission of the peace. In Mr. Frost's answer, which was at very considerable length, he stated that he certainly had attended meetings at which there were some speeches made of a violent character, but that he was not answerable for such language, and did not approve of it—that he was a member of a body to be called the National Convention, but that it was a body for the sole purpose of preparing and presenting petitions to Parliament. Upon this explanation he replied, that he should not think it necessary to take any step at present; but that it was the duty of Mr. Frost, as a magistrate, to do all in his power to preserve and respect the peace.

Mr. *Praed* inquired if the noble Lord would have any objection to lay the correspondence upon the table of the House?

Lord *J. Russell* replied, that he would rather not answer that question without further consideration.

Mr. *Praed* then intimated that he should repeat the question to-morrow.

PRISON DISCIPLINE.] Lord *J. Russell* then said, that he rose for leave to bring in several bills respecting the administration of justice. The first was a bill for the better ordering of prisons. He had introduced a similar bill in the last Session, but although it had undergone a good deal of discussion in this House, and had eventually passed it with very little opposition, it had been thrown out in the other House. If he were asked to suggest a reason for its being so thrown out, he could only suppose that it was on account of some misconception on the part of their Lordships as to the nature of the powers proposed by the Bill to be given to the Secretary of State, which might have been imagined to have been powers for enforcing rules for the separate confinement of prisoners. That, however, was a misconception; and, with a view to make the intention of the Bill still more clear, he (Lord J. Russell) had altered the words of the clause, by which it would now appear that the power was only to be given to the parties usually authorised to make such regulations, in order to be submitted to the Secretary of State. There was also another provision which he had to propose, to enable the justices of the county, and of boroughs, to contract for prisons in their districts, and thereby the expense of sending prisoners thirty or forty miles be avoided. That provision he proposed to embody in a separate Bill, and therefore he should move for leave to bring in a Bill for the better ordering of prisons, and a Bill for the establishment of district prisons.

Leave given.

Petty Sessions and County Courts.] Lord *J. Russell* then rose to bring in Bills relating to the Jurisdiction of County Courts and of petty Sessions. He would state very generally the improvements he wished to introduce. It was a subject which, in various shapes, and on various grounds, had attracted the attention both of individuals and of the commissioners appointed by the Crown, and likewise of committees of both Houses of Parliament. Every one had felt that, according to the present state of the law, there was a great deal of unnecessary expenditure, hardship, and delay, in the manner in which persons guilty of very petty offences were dealt with, inasmuch as they were committed to prison for the purpose of being tried at the quarter session, which did not take place for some time after their committal. Upon this subject the county-rate committee, after discussing various propositions, had expressed an opinion against giving any summary power to justices of the peace to inflict punishment with respect to offences termed felonies, and suggested the erection of a separate court, with paid magistrates, empowered to decide on these matters. The Committee of the House of Lords last year, after examining several witnesses, some of whom were certainly entitled as authorities to the highest respect, decided that the present system was exceedingly objectionable, and that it was desirable to give justices the power of summary jurisdiction in cases of larceny. In one of their resolutions the committee stated, that if the exercise of this power should be limited to the cases of young offenders, the whole advantage of it would not be obtained, because a great many of the offences were committed by adults. They therefore proposed that the magistrates sitting in petty session should have the power of summary jurisdiction in cases of larceny. The committee of the House of Commons which sat last year on the subject of the metropolitan police took, on the other hand, a different view of the question. They thought it advisable to give to magistrates the power of summary conviction in some cases, with respect to which they did not at present possess that power; but it was also their opinion, that as this was in principle a great innovation, and as it was depriving the subject in such cases of the right of trial by jury, such change should be introduced with caution, and in the first instance the power should only be confided to stipendiary magistrates having professional experience. There certainly was very great reason for proposing some change on this subject. In the first place, as respected the law, there was not, after the passing of the act introduced by the right hon. Baronet opposite, any longer that ground for refusing summary jurisdiction which formerly existed. The former state of the law was very absurd, for with regard to persons stealing live wood, or guilty of what was now called a malicious trespass, the remedy was not by a criminal proceeding, but by an action for trespass. The bill of the right hon. Baronet gave a power of conviction to magistrates when the property injured was under a small value. The consequence of that measure was, that when wood was cut down and carried away, the justices of the peace might immediately convict and sentence the offender to punishment; but if the offending party cut the wood into fagots and left it on the ground, or as Sergeant D'Oyley had put the case, if he cut the branches one day, and carried them off another, then the jurisdiction of the magistrate ceased, and the offender must be regularly tried at quarter sessions. This was not a satisfactory state of the law; and on the other hand, great evils arose from the imprisonment of persons for trifling offences for a long period previous to their trial. It was desirable that punishment should be speedy, and that the offenders should not before trial be liable to the contamination of a gaol for several weeks. Considering that these evils required some remedy, he proposed to give a power of summary conviction in certain cases of larceny, limiting the punishment, if inflicted by ordinary justices, to six months; and in point of age, limiting the offenders to be so dealt with to persons under fifteen years. With respect to stipendiary magistrates, he proposed to adopt the proposal of the police committee of last year, and to give them the power of summary conviction as well in the case of adults as of younger offenders, to whom he would give the benefit of an appeal, as had been given by one of Sir R. Peel's acts. The House of Lords had proposed that an option should be given to offenders either to be tried at quarter sessions or by a magistrate; but he agreed with Mr. Sergeant D'Oyley in thinking that it would not be right to make this a matter of treaty and negotiation between the court and the offenders. Such a proceeding would be a novelty in the established law of the land; and therefore, in giving the offenders the right of appeal, he was not disposed to allow them the option before trial of selecting their court. In making this change with respect to petty sessions, he likewise proposed, in accordance with the suggestions made both by the commissioners and by individuals to the Government, to introduce greater regularity and form into the proceedings. At present there was a great want of form at petty sessions. Various fees were taken by the clerks, who had no formal appointment, and this circumstance was productive of a great want of uniformity in the administration of the law. He proposed, that there should be regular returns of the number of petty sessions, and of each of the clerks appointed; and that a regular record of the proceedings, with respect to criminal law, should be kept. The two other bills which he proposed to introduce contained the substance of the measure introduced last year relative to county courts. The first bill would empower the Crown to appoint a salaried judge for the purpose of deciding in cases of small debts in various parts of the country. The bill would fix the amount to which the jurisdiction of these courts would extend, as well as the places in which they should be held. His learned Friend the Attorney-General had frequently complained of the number of courts of requests, of the great variety and irregularity in their administration, the proceedings being conducted by commissioners who had no knowledge of the law, and whose attendance was not constant. He thought, therefore, that the country generally would receive with favour an amendment of the law in this respect, and would be glad to see the Crown empowered to appoint such paid judges. He was not, however, sure that there would be the same agreement with respect to the mode in which they should be paid. He proposed, that a return of the fees received should be made to the magistrates at quarter sessions, and that they should fix the salary to be given to the judge not according to the amount of fees; and if the fees did not amount to the salary fixed, that the deficiency should be made up from the county-rate. Of the other part of the bill introduced last year, he now proposed to make a separate bill, and which related to the appointment of a salaried chairman of quarter sessions. Owing to the late improvements in the criminal law, restricting the punishment of death to a few offences, the jurisdiction exercised by the quarter sessions was now more important and extensive than before, and he therefore thought it would be advantageous to have a professional chairman at the head of those courts. He proposed, however, that an option should be left to the magistrates whether they would have a professional chairman, and that only on their application to the Crown should one be appointed. These were subjects of great importance, respecting which, he was anxious to learn the opinion as well of those who had long attended to the question, as of the country generally. It could not be denied, that the rendering justice more speedy, and the lessening of the length of time during which offenders were imprisoned before trial, were subjects which, remote as they were from politics, and exciting but little notice, were nevertheless matters of the greatest importance to the people at large. There having been much discussion on various sides with respect to different systems of prison discipline, he took this opportunity of stating his decided opinion that the system of separate confinement was the best that could be introduced; but finding many difficulties in the way of its establishment, it was his intention to propose a vote in the course of the present year to the House of Commons which would enable the Government to build a prison to be used for the purpose of experiment on the subject. The experiment was wholly new. He thought that some prisons in the United States of North America furnished him with some experience on the subject; but at the same time he did not think, that the minds of the people of this country would be satisfied unless something were done within reach of themselves. He found it still more important to make this attempt at this time, inasmuch as the subject of transportation had been of late so much considered, and was likely to be much less inflicted than formerly. He would give ample time for the consideration of these bills, as he did not wish to hurry them through the House, and he trusted, that whether they were carried in the form in which they were proposed, or after having experienced some modifications, they would be the means of effecting considerable improvement.

Sir *J. Y. Buller* did not mean to raise any objection to the measures of the noble Lord in their present stage, but he could not help adverting to the proposition made to pay the justices out of the county-rate. He thought that any attempt to pay the justices in this manner would be received very ill by the country. If the noble Lord would point out some other fund for this purpose than the county-rate, it would give considerable satisfaction. He wished also to call the attention of the House to the peculiar circumstances which would affect private bills for the recovery of small debts, in consequence of this motion of the noble Lord. Of course, if his measure should be carried, it would supersede the necessity of introducing any merely local bills; but if it should not pass, the case would be very different.

Leave given.

Church Leases.] Mr. *V. Smith*, in rising to move for the reappointment of the Select Committee on Church Leases, said, that he would not trespass on the time of the House by urging at any length the reasons for its reappointment, and he would content himself by simply stating that the main object was to enable the Committee to decide whether they would report upon the evidence already taken, or call for further evidence. The Committee would consist of the same Members of whom it was composed last session.

Sir *G. Sinclair* did not intend to oppose the renewal of this Committee, but he thought it was equally just and desirable that the Church and the Dissenters, the House and the country, should be made fully aware what was the specific object which her Majesty's Ministers expected or intended to attain through its reappointment. He knew very well that the Committee was originally moved for, in order to ascertain whether, by a different system of management, an improved value might not be conferred upon the property of the Church, through the medium of arrangements which might be beneficial both to the Church and to the lessees. So far all was well, but the great and important question undoubtedly was, to what purpose should any surplus so created be applied? Here it was, that the Church and the Dissenters were entirely at issue—that the hopes of the one party and the apprehensions of the other were excited. Her Majesty's Ministers might perhaps succeed in pleasing neither, but could not possibly satisfy both. Was it their intention to propose that this surplus should be devoted to purposes strictly ecclesiastical? If so, the Church would of course contemplate the renewal of the Committee without any alarm or distrust; but then the Dissenters would consider its renewal as a matter of perfect indifference—nay, even as a source of bitter disappointment. If, on the other hand, her Majesty's Ministers were resolved to propose that this surplus, instead of being dedicated to the promotion or attainment of objects sanctioned by the Church itself, should be diverted to so unjust and preposterous a purpose as that of exempting Dissenters from Church-rates, then indeed the Dissenters might rejoice in the resumption of the Committee's labours; but the Church, and all its friends in both Houses of Parliament, as well as out of doors, must view its reappointment with jealousy and alarm. It was impossible to suppose, that if the Dissenters could thus exact for themselves an exoneration from the payment of Church-rates, they would rest satisfied with accomplishing that object. They might on precisely the same principle insist upon being relieved from contributions to the support of the clergyman who officiated within its walls. The national Church was a national institution; its clergy should be maintained and its fabrics supported at the national expense, and the Dissenters could not on conscientious grounds object to an impost for securing and promoting either object, to which they were liable, not as holding certain principles, but as possessing certain property, which from time immemorial had been liable to that burthen. He knew that the dignitaries of the Church were not disposed to become mere annuitants on their own property; he knew that the clergy were not a little uneasy at the studied silence or cautious ambiguity which her Majesty's Ministers had lately adopted in regard to the appropriation of the surplus which it was now intended to create, and he hoped that her Majesty's Ministers would gladly avail themselves of this opportunity to give explicit information to all parties.

Mr. *V. Smith* begged to say, that the question to which the hon. Baronet's observations applied had been purposely excluded from the consideration of the committee of last year. The only question to which their attention was directed was whether it was possible to create a surplus, and therefore, the question of the hon. Baronet would be more appropriately put when the Committee had finished its labours.

Sir *Robert Peel* observed, that there was no doubt that the question might arise, supposing the Committee should report that it was possible to create a surplus, and he, therefore, gave as early an intimation as possible that he adhered to the opinion which he expressed last year, when the motion for the appointment of this Committee was originally made. He begged it to be distinctly understood that he made no concession to the principle upon which that Committee was appointed in offering no opposition to the present motion. The House agreed to appoint the Committee, and the question was fully debated at the time, and it would certainly not be convenient to discuss the question now, whether it should be reappointed, thinking, as he did, that it would be most expedient to pursue the inquiry which had already been partially prosecuted. He could not, however, allow the motion for its renewal to pass without stating that he entirely dissented from the principle upon which the Committee was originally appointed, and that to any attempt to divert any expected surplus from purposes purely ecclesiastical he should give every opposition in his power.

Mr. *Brisco* approved of the reappointment of this Committee at the commencement of the Session, and he would take this opportunity of recording his opinion in favour of the measure already proposed to the House by her Majesty's Government. The measure ought to be gladly hailed by every member of the Established Church, because it would give a certain source of revenue for the maintenance of the fabric of the Church, it would remove the cause of the strife which had been engendered between the Church and the Dissenters, and would relieve many poor persons who could not at present afford to pay the tax which was imposed upon them.

Committee re-appointed.

CORN-LAWS—EXPORTS.] Mr. *G. W. Wood* rose to move for a return of the price of wheat, and he apprehended that when the return was made, it would be found that within the last year the price of corn varied from 52*s.* 8*d.* to 78*s.* 4*d.*, making a difference of exactly 50 per cent., and that in 1835 the price of corn at one time was 36*s.* 8*d.*, being a difference between the highest price of last year and the lowest price of 1835 of 113 per cent. The use to be made of this fact was this: it showed that the existence of the system of Corn-laws had not answered the purposes for which they were intended. The object of those laws was to give stability in price to the consumer, and a remunerating profit to the farmer; but these objects being confessedly unattained under the present system, he contended that both parties had a deep interest in its abolition. He regretted the other night to hear from the right hon. Baronet opposite the declaration of his opinion that at present there existed no necessity for an alteration, coming, as that declaration did, from a gentleman possessed of so much information and standing so high in that House, and being one whose opinion and authority, connected as he had been with manufactures, would materially influence the issue of this question. He regretted to hear that declaration, and he still more regretted to hear the right hon. Baronet rest a defence of the present system upon the returns which he had read, as indicative of the prosperity which this country enjoyed under the present system of Corn-laws. He would maintain that those returns had nothing to do with the question. He was not aware that the fact of the commerce of the country having recovered from its temporary depression, and resumed its accustomed channels, was a matter of any consequence, and he could see nothing in that circumstance which could affect the question of the abolition of the Corn-laws. He had offered that statement to the House as an indication of the state of commerce in the country, and not as bearing either for or against the policy of the Corn-laws. Neither did he think it expedient to raise any discussion on that occasion upon the subject, and when the right hon. Baronet opposite drew what he must call an unfair conclusion from his statement, he was precluded by the forms of the House from offering any explanation. There were, however, some points to which he had adverted in that statement which had a bearing, and an important bearing, upon this subject. He had shown that there had been an increase in the exports of last year, as compared with the average of the four preceding years, of rather more than 3,000,000*l.*, amounting to about seven per cent. in the whole. But upon looking at the articles in which this increase had taken place, it would be found that it did not show so much manufacturing prosperity as the right hon. Baronet seemed to think. Thus it would be found, that there had been an increase of 158,000*l.* in the export of sheep's wool, an article to produce which there was no labour applied; the increase in the exports of coal and culm was 180,000*l.*; of salt, 57,000*l.*; of iron and steel, 686,000*l.*; and of copper bars and other metals, 284,000*l.*; making altogether an amount of 1,375,000*l.*, and exhibiting an increase in the export of articles on which a very small quantity of labour was bestowed. Another class of articles in which there was an increase was yarn, on which labour was only partially bestowed. Thus, there was an increase of 56,000*l.* in woollen yarn, of 368,000*l.* in linen yarn, and of 1,430,000*l.* in cotton yarn, making an excess over the four preceding years of 1,854,000*l.* But when we came to the manufactured article the case was altered. In the cotton manufacture there was an increase of only four per cent., in linen nineteen per cent., and in woollen there was a decrease of 385,000*l.*, or about six per cent. In hardware and cutlery there was also a diminution of thirteen per cent. It was considered by the opponents of the Corn-laws that these facts had an important bearing upon the question, as showing that the manufactures of the country were not in a prosperous condition. They also tended strongly to show that the manufactures of other countries were increasing rapidly, and that other countries so regulated their laws as to allow the admission of the raw or partially manufactured material, and enabled their people to supply themselves, while they made no demand for the finished products of our industry. It could hardly be contended by the right hon. Baronet that we ought to wait till our commerce was obviously on the decline before we introduced any alteration in the present system, as he apprehended that it would be too late then to recover our lost ground. It was a notorious fact that our merchants and manufacturers felt and complained of the competition which foreign countries were now enabled to maintain with them. Those countries could now not only supply themselves, but by sending their surplus produce to other parts of the world they were enabled to undersell us in the foreign market, owing to the cheapness with which they could afford to furnish their goods. We had excluded the corn and the timber of Prussia from our markets, and the consequence had been, that a hostile feeling had been generated in that country against the English, and Prussia had been enabled to consolidate a league in Germany, which could not fail materially to injure the manufacturers of Great Britain. British manufactures were not so extensively exported to that country as they formerly had been, and the policy of those countries which formed the Germanic league was to limit their importations to British yarns. With respect to the United States, the manufacturers of England were subjected to a similar course of policy. Formerly the manufactures of this country were admitted into the United States on payment of a duty of twelve per cent., but that duty was afterwards raised to twenty-five per cent., and ultimately much higher, and that course the Americans had been driven to adopt in consequence of our excluding their agricultural produce from our markets. In a despatch from Mr. Addington, in the year 1824, it was distinctly stated, that the Americans would not have adopted such a course, that they would not thus have increased their duty on British manufactures, but for the prohibition which the Legislature of this country had enacted against the importation of corn from the United States. But, independent of these considerations, he would ask why the manufacturers of this country should be subjected to a burden of the nature imposed upon them by the Corn-laws? If other countries could procure food at a cheaper rate than it could be obtained in England, the consequence would inevitably be, that in the contest which was going on betwixt the different manufacturing countries of the world England would be defeated. It might be thought that when the commerce of the country was on the increase, there was little necessity for interfering with the Corn-laws; but the manufacturers saw the danger which awaited them, and he could not think that it was wise to refuse to their earnest requests an inquiry into a subject in which they felt the deepest interest. For himself, he believed the Corn-laws were not necessary for the protection of the agriculturists, for in this country, where the amount of wealth was so great, and where luxurious habits prevailed to such an extent, he could not conceive that ever the agriculturists could want a market for their produce or their labour. He would, therefore, urge the House to give the prayers of the manufacturers on this important question their most attentive consideration: he could not but express a hope that the Legislature would repeal those laws effectually and for ever. He trusted also, that the House would not refuse to hear evidence at the bar, but that they would listen to every statement tending to illustrate the evil tendency of the Corn-laws which might be made, in order that they might be able to arrive at a satisfactory determination on a subject of so much importance, and in order to satisfy the minds of those who were afraid that the continuance of those laws would seriously injure the manufacturing and commercial interests of the country. The hon. Gentleman concluded by moving for a "Return of the prices of wheat, as inserted in the Royal *Gazette*, for every week in the year 1838; and a similar return for each of the four preceding years; the whole arranged in corresponding columns."

Sir *Robert Peel* said, that he had not the slightest objection to the course adopted by the hon. Gentleman who had just addressed the House. He had no objection to the production of the returns which had been moved for, and he must say that nothing could be more natural than for the hon. Gentleman to attempt—although the attempt must be perfectly useless—to remove the impression which was made, not on his mind alone, but he would venture to say on the mind of every person who had heard, and of every one who had read, the important statement which, on the first night of the Session, the hon. Gentleman had made to the House. He was not surprised that the hon. Gentleman should wish to remove the impression made by that statement, because of its material bearing on the important question of the Corn-laws, and because of its tendency to destroy the force of the strongest argument of the opponents of the existing Corn-Laws—namely, that the manufacturing interests was in danger from the continuance of the existing system. The hon. Gentleman's arguments went to show the fallacy of such a position, and to prove that the manufacturing interests were in a most prosperous condition; and he was not therefore surprised that the hon. Gentleman should wish to explain away the force of the declaration which he had, unintentionally no doubt, made on the first night of the Session. The hon. Gentleman had referred to the speech which he had made after the hon. Gentleman. Now, he had no objection that the hon. Gentleman should set himself right with those persons whose interests he advocated, and whose views he supported, and if the hon. Gentleman could, he should even be willing to allow the hon. Gentleman to set himself right with those persons at his expense; but still he could not help thinking that the course pursued by the hon. Gentleman was not quite fair. He could understand how the speech which the President of the Chamber of Commerce of Manchester had delivered on the first night of the Session had produced a strong sensation in Manchester, and if the office which the hon. Gentleman held was elective, he could conceive the reason for his anxiety to remove the impression which his statements had made in certain quarters. He could imagine that the hon. Gentleman would not be able to pass the north-west corner of Palace-yard, on his way to or from the House, without hearing disagreeable questions from certain persons assembling in that neighbourhood, which, after the statement he had made on a former night, he would have some difficulty in answering satisfactorily, and he was in no degree, therefore, surprised that the hon. Gentleman should attempt, if he could, to reinstate himself in the good opinion of those whose interests he represented, and of those by whom he had been elected to the office of president of the Manchester Chamber of Commerce, But he (Sir R. Peel) felt that this attempt must be vain, and that it would be impossible for the hon. Gentleman to obliterate, by any after-statement, the impression which his declaration on the first night of the Session had made. The hon. Gentleman complained that he had not entered on the general question of the Corn-laws on the occasion to which he alluded. But on the first night of the Session it was impossible to discuss every important question, and many parts both of our domestic and foreign policy necessarily remained untouched during the discussion on the address. That was not the proper time for discussing the general question of the Corn-laws, but during the debate on the address he had distinctly stated that he adhered in every part, and in all their fulness, to the opinions which he had expressed on the subject of those laws in the years 1828 and 1829—namely, that it was for the interest as well of the manufacturer as of the agriculturist—that it was for the general interest of the community—that the public mind should not be agitated by discussions on this important subject, and that they should adhere to the existing system. He was quite aware that the present was not the proper time to raise a discussion on this great question. Every person in that House must feel that the present was not the occasion on which he ought to say anything which could give rise to a debate, and he was sure the hon. Member for Wolverhampton would agree with him that a more fitting opportunity would soon arrive for the discussion of this most important subject. He was sure the sense of the House would be against such a course of proceeding, and he should therefore limit himself to the single point of setting himself right with the hon. Gentleman who had introduced the present motion, and with explaining to the House and to the country, the arguments which he had founded on the statements made by the President of the Chamber of Commerce of Manchester on the first night of the Session. He had expected that those who advocated a change in the existing system of Corn-laws, and who pressed for their abolition, would have brought forward as their chief argument evidence amounting to proof, that the manufacturing interests were suffering the greatest depression, that the shipping of the country was diminished and diminishing, and that the internal trade of the nation was less prosperous than it had formerly been. Such, he expected, would have been the arguments of those who advocated the abrogation of the Corn-laws; but he was greatly relieved, and he was sure that the manufacturers as well as the agriculturists, throughout the country, must have been greatly relieved, by the statement made by the hon. Seconder of the Address, that the manufacturing interests was most prosperous, that the amount of shipping was on the increase, and that the internal trade of the country was also prosperous. Those statements, coming from the quarter they did, was a most gratifying declaration; and all the arguments which had been adduced on this subject on the first day of the Session, went to confirm that declaration. Those arguments, one and all, told the farmers, as plainly as words could, that the manufactures and commerce of the country were in a most satisfactory state, and that their opponents admitted that trade was prosperous, and rapidly on the increase. The admissions and statements of the President of the Chamber of Commerce were most important, and he was anxious to bring them before the House as correctly as possible. They were most important, and the more so, because they came from an unwilling advocate of the existing system, and were advanced, no doubt, unintentionally; and he trusted, therefore, that the House would allow him to state the grounds upon which he had founded the arguments of which the hon. Gentleman complained. The President of the Chamber of Commerce of Manchester on the first night of the Session, said,

> "The House would, perhaps, indulge him for a short time, whilst he referred to the present state of the manufactures and commerce of the country. Two years ago great commercial distress and the utmost uneasiness prevailed in all branches of trade."

Now, he thought he had heard the hon. Gentleman add—"but the House would be glad to hear that this state of things had passed away, and that the commerce of England, at the present moment, was in a most satisfactory condition." Now, he for one, felt the greatest relief from that statement; but he thought he had also heard the hon. Gentleman say—"he did not recollect any former period of commercial embarrassment at which the return to a healthy state of commerce, and of comparative prosperity, followed so rapidly on the depression." Could anything be more satisfactory than such a statement, coming as it did from one who must have had the best opportunities of making himself acquainted with the condition of our trade and commerce? But he had further heard the hon. Gentleman state, that in the fifteen or seventeen principal articles of trade there had been a great and growing increase. He thought he had heard him say, that in the article of linen the increase amounted to 19 per cent.; that in silk the increase was 2½ per cent., and that the aggregate increase in the export of the principal objects of British manufacture of the year 1838 over the average of the four preceding years, was 7¾ per cent. But the hon. Gentleman said, that he (Sir R. Peel) ought not to argue that, because, in 1838, there was an increase over 1837, that therefore the country was in a state of absolute prosperity, and required no alteration of the Corn-laws in order to protect the manufacturing and commercial interests. But he never could have used that argument. He never could have compared 1837, a year of depression, with 1838, when there was an increase: for the hon. Gentleman himself had taken the four preceding years, and compared them with 1838, and it was the hon. Gentleman's own statement which he had adopted. The hon. Gentleman had said,

> "He did not think that 1838 was an improper year to contrast with the four preceding years in order to show that the depressed state of our manufactures no longer existed. The years 1834 and 1835 were years of steady prosperity, 1836 was a year of overtrading, and 1837 a year of great depression,"

And he (Sir R. Peel), had taken the four years chosen by the hon. Gentleman, and which he had compared with 1838; and it was upon the hon. Gentleman's own statements of the increase in those years that he had founded his arguments. The hon. Gentleman had also said, that

> "His attention had been called to the shipping interest, and he was happy in having it in his power to lay before the House particulars exhibiting the state of the shipping of England, which, though it was represented a few years ago to be in a state of great embarrassment and adversity, had now assumed a vigorous condition and was rapidly extending."

Now, hearing those arguments, and considering moreover the high authority whence they came, and the weight to which they were consequently entitled, he had ventured humbly to caution the House against agitating the public mind by discussions on the important question of the Corn-laws, and against taking any precipitate step for the repeal of these laws, when their opponents admitted that the manufactures, the commerce, and the trade of England, were in a most prosperous condition. That was a just and natural argument; but whether the hon. Gentleman would assent to the conclusion which he had come to, he very much doubted. He would not, however, enter on the subject at any great length, as his single object was to show that he had said nothing on a former night which was not entirely warranted by the arguments contained in the hon. Gentleman's own speech. The statements he had made were, perhaps, involuntary. It was, no doubt, his intention to support his own view of the question, and to advance arguments hostile to the existing Corn-laws; and if the hon. Gentleman was, by the warmth of his feelings, induced to make a statement which the hon. Member regretted, he could not feel surprised that the hon. Member should wish to set himself right with those whose opinions he represented. The conclusion, however, which he had drawn from the statement made by the President of the Chamber of Commerce, was the natural argument from the premises it contained, and that statement had left on his mind an impression that the hon. Gentleman had done more to uphold the existing system than all that had been done by its open and avowed supporters.

> "Via prima salutis,
> (Quod minimè reris), Graiâ pandetur ab urbe."

The statement was the more important, because the hon. Gentleman was an involuntary advocate; and he might depend upon it, that while that statement remained, all the motions he might make, all the explanations he might give, and all the arguments he might advance, would be completely insufficient to remove the impression which it had made on all men not entirely committed on the subject. That statement must have confirmed those who were formerly wavering in their support of the Corn-laws, must have removed the doubts of those who hesitated and had not made up their opinion, and convinced all men that the manufacturing and commercial interests of this country were in the most flourishing and prosperous condition. All those, again, whose minds might have been unsettled by the statement so generally advanced by the opponents of the Corn-laws, that the manufacturing and shipping interests were suffering, must have had their minds relieved, and must have been convinced that the manufacturing and shipping interests, and the internal trade of the country, were such as to remove every cause of gloom.

Mr. *Mark Phillips* would intreat hon. Members opposite not to come to the conclusion hastily, that because our exports during the last year assumed the aspect stated, it followed as a matter of course that upon every article exported a profit had been reaped, or that the manufacturer was necessarily in a prosperous condition. He did not mean to enter, any more than the right hon. Baronet had, into a general discussion on the Corn-laws, but he might be allowed to advert to an article of deep importance to those whom he represented. He could, if necessary, touch upon every article mentioned by the hon. Member for Kendal, in the tabular statement he had laid before the House, but it was his intention to confine his observations solely to one great object—the article of cotton-twist. There were Gentlemen in the House representing other great interests in the country, and he would not trespass on their ground, by speaking of facts and circumstances, connected with other branches of manufacture. With respect, however, to the large increase in the exportation of cotton-twist, whatever conclusion might be drawn from the fact of that increased exportation, it was only due to himself and his own constituents to state what his own impression on the subject was; and he had the satisfaction of knowing, that he was speaking in the presence of Members on the other side of the House, called on to represent interests similar to those he represented—Gentlemen practically acquainted with the different branches of cotton manufacture—and if anything should fall from him of an extravagant nature, he hoped those Gentlemen would set him right. With respect to the increase of cotton-twist, the conclusion he (Mr. Phillips) came to was this, that instead of seeing any thing cheering, he drew conclusions from it far from satisfactory.—It was well known, and indeed was stated by the hon. Member, for Kendal in seconding the Address, that we had suffered the greatest possible disruption of credit, and had suffered from the suspension of trade in the United States in 1837. We had consequently lost in the American market a demand for cotton manufactured goods from this country; and it was not to be supposed that the manufacturers of Manchester were disposed to supply further goods to men who were then in their debt. What, therefore, was the position of the spinner? He was reduced to this dilemma; he found that under all circumstances it was better for him to continue his machinery in operation than to permit it to lie still. It was practically ascertained that his loss was greater if he allowed his machinery to stand still than if he went on working it. He was therefore compelled to go on, and was producing twist in the same quantities as in the preceding year, but he failed in finding a market for that manufacture. The merchant was not to be found as a purchaser, from the circumstance that he had lost his customer in the United States, and the spinner was driven to export his produce; might it not happen that his property could not be disposed of without a great loss a year ago? However, he would bind himself to say that if evidence was to be examined at the bar of that House that his statements would be established by facts, and arguments not very easily to be controverted. He would be bound to say that that evidence would show, that the manufacturers had been compelled from their large stock to export their articles, and that thus the foreign market had been glutted, and the operations of the spinner rendered profitless; in short, he drew conclusions exactly opposite to those drawn by the right hon. Baronet. He regretted, that the hon. Member did not make his statements with a qualification on the first night of the Session, it would have placed the state of the measure in a much clearer light than that in which it now appeared to be regarded by hon. Members opposite. There was one other subject to which he wished to allude, and that was the increase which had taken place in the exports of some of the metals. He did not agree with some hon. Gentlemen in the extent to which they went as to the exportations of iron. It would be found on investigation that a considerable portion of the increased export was in the shape of iron rails for railways. As regarded the other portions which had gone for the purpose of furnishing our opponents on the Continent with the means of manufacturing machinery, he did not hesitate to say, if he could separate the portion of the increase applied to that object, he should deplore to see an increase in that which he was perfectly convinced was intended to be applied to purposes which would ultimately prove detrimental to us. He had presented a petition from the Chamber of Commerce at Manchester, signed by the hon. Member for Kendal (Mr. Wood), and if any individual in the House thought that his hon. Friend differed in opinion from the manufacturers at Manchester, they did him great injustice. Before he sat down he begged to refer hon. Members opposite to some of the allegations of the petition. They particularly directed the attention of Parliament to the fact that foreign competition at this moment had arrived at such a pitch, with respect to foreign hosiery, that this country only exported one-fourth of that which was exported by the Saxon manufacturers, and that we had scarcely any hold of the markets of the United States, three fourths of which were supplied by the Saxon manufacturers. He earnestly entreated the attention of hon. Members opposite to the inquiries which must be made, to the extent to which machinery was carried on on the Continent—manufactured, as the petitioners stated, from the most recent improvements introduced into this country, placing the foreigner in this position, that he could take advantage at once of all the improvements at which the manufacturers of this country had arrived step by step. They did not therefore meet us on fair grounds. The importance of the subject was such, that he hoped and trusted that it would be debated with calmness and deliberation. He trusted hon. Members would see the necessity, in a question which occupied so much public attention, of sifting it with the utmost vigilance, and he trusted they would not refuse to receive evidence at the bar of the House in support of his petitions.

Mr. *Baines* begged to offer an observation or two as to the state of the woollen manufacturers. In 1838, as compared with the four preceding years, there was a decrease in the quantity of exports to the amount of 385,000*l.*, and that year had been represented as one of prosperity. In Saxony, and other parts of the continent, the woollen manufacturers were gaining ground, and the effect was, to produce much uneasiness for that ancient manufacture of this country, once so important, but now a declining manufacture—declining, he sincerely believed, from the existence of the Corn-laws, because we could not enter into competition with those who manufactured this article on the Continent of Europe. With respect to the exportation of wool, it might be thought that this was an advantage to this country, but when it was considered, that it was exported for the purpose of nurturing and bringing up rival manufacturers, instead of that being a matter of congratulation, it ought to be a matter of deep regret. On comparing the four years preceding 1838, there had been an increase in the export of our sheep and lambs' wool to no less an amount than fifty-seven per cent, these having been, on averaging these four years, in the former instance 374,000*l.*, and in the last year the export was 432,000*l.*; so that, although it had been represented by his hon. Friend, that there had been an increase of exports, in reality that increase was, so far as related to the manufactures of the country, a disadvantage, and not an advantage. There was another subject to which he might shortly advert. Formerly, at the German wool fair, the English were the great purchasers, lately the English had been only third-rate purchasers. Why was this? Because the English manufacturers were decreasing while the Continental manufacturers were increasing. No subject could be more clearly demonstrated than that the exports of this country indicated rather decay than prosperity, particularly in the export of raw materials. He would also state to the House another fact. In the Leipsic fair, for the four years before the German commercial league was formed, the quantity of woollen cloth exhibited for sale was 50,000 ends, about 25,000 pieces. In the last year the quantity of woollen cloths exhibited for sale, and manufactured in Germany, was 350,000 ends, making an increase of somewhere about 600 per cent. Now, these were not facts made to support a particular theory, but they were facts which related to the decay of our manufactures, and that decay arising out of the circumstances of the taxes on some articles being from 60 to 70 per cent, higher here than on the manufactures of the continent. He did not know what weight the House might choose to give to these facts. He believed them to be facts, and had the best authority for his statements—for where he could possess himself of official information he had always done so. With respect to the statements of his hon. Friend the Member for Kendal, he must admit that there was nothing very unfair in the right hon. Baronet (Sir R. Peel) making the statements which he had made,founded on the representation of the hon. Gentleman. He thought it was very natural that an advocate for another view of the subject should have made that statement, but it was clear that though there might be a general prosperity, taking the aggregate of all our exports there might be a decrease with regard to our manufacturing prosperity. In order to sustain that view he had ventured to present these facts to the House; he hoped the House would not agree to the conclusion at which the right hon. Baronet had somewhat hastily arrived—conclusions which he would not have come to had the right hon. Baronet analyzed those extracts with more care.

Lord *Stanley* said, it certainly did seem rather extraordinary that upon the motion of his hon. Friend (if he would allow him to call him so) the Member for Kendal, for returns of the average prices of corn for every week during a certain period specified, a motion that was not likely to lead to any discussion, that not only his hon. Friend should come down with a vindication of his former statements, but that other hon. Gentlemen should be prepared with figures for the purpose of entering into partially (and it necessarily must be very partially) the whole state of the manufacturing interest of this country on such an occasion as this. He was not going into any details, far less would he go into the general merits of a question of such vast importance as the Corn-laws, and its bearing upon the manufactures of England. He did not pretend to have any acquaintance with that branch of industry, the woollen manufacture. But by a most singular coincidence they were again furnished with a valuable statement on the authority of the hon. Member for Leeds, because that hon. Member did not omit to state that there had been a considerable decrease in the exportation of woollen manufacture. But, said his hon. Friend, with that spirit of fairness which characterized all his statements, true the House must be led by this statement to understand that manufactures have decreased, but that must not be taken as a proof that the woollen market was in a state of decrease, far less that any decrease in the manufacture must be attributed to the Corn-laws. But, said the hon. Member, the woollen manufacture has declined, and I will tell you why: there has been a vicious system of banking in the United States. There had been great distress in America; the Americans were great consumers of woollen goods, but the distress caused by the banking system had rendered it impossible for them to deal to the same extent. [Mr. *G. W. Wood* had made no allusion to that subject]. He begged his hon. Friend's pardon if he had in any way misrepresented what he had said. But this he was confident his hon. Friend would not deny: in stating the depression of the woollen trade, he cautioned the House against considering that as a proof of the decline in the want of manufactured woollens, but as an indication of the distress among the best customers, which rendered them incapable of taking our manufactured goods at the former prices. He quoted from memory and therefore would not be too positive; but his hon. Friend was reported to have said, with regard to woollen manufactures, —"The exports of these articles had experienced a decline to the extent of 6 per cent, a circumstance which he believed was entirely attributable to the fact, that a large proportion of our woollen exports went to the United States and to that country not having been able, during the past year, to take anything like her usual proportion of this part of our manufactures. That was a depression which he had no doubt would be removed in the present year." The hon. Member for Leeds seemed to think it a matter for deep lamentation that there had been an increase in the exportation of British wool of 58 per cent., because, that tended to show, that other manufacturers availed themselves of our raw material. He spoke from memory, but he believed, that the importation of cotton into Liverpool would show a great increase, an increase to the extent of 1200 per cent. In 1831 the increase was 4,000 bags; it had gone on increasing to 8,000 and from that to 24,000, and from that to 48,000, and last year 50,000 bags more of the raw material were imported than in 1831. The hon. Member for Manchester had contended, that if it could be shown, not that the amount of our manufactures had increased, but that machinery had increased for the purpose of increasing manufactures, there would be a ground for saying, that our manufactures were prosperous ; but in point of fact the manufacturers have for the last two or three years been going on exporting at a loss. Now, it was possible that that might be the case. It might be that men with a large amount of capital embarked in business, would submit to a loss of two-thirds for a time ; but it was incredible, that if it were notorious to the whole country and to the manufacturing interest that business would be carried on for two years at a loss, it was incredible that during those two years an almost unheard-of amount of capital was embarked in new mills and factories, which had risen up on every side to an amazing extent. He was not then about to enter into details upon that subject, but he believed there was not a town in Lancashire in which there was not an increase of factories and mills for manufactures; and from information for which he was indebted to the hon. Baronet the Member for Preston, it appeared, that in the course of 1836 and 1837 there were built no less than nineteen new cotton factories in the town of Preston alone, involving the building of 1,500 new houses for workmen, and that one of those factories alone cost 60,000*l.* It seemed to be incredible and impossible, that in one new town during these two years of notorious distress they should see nineteen new competitors coming into the market, building 1,500 houses for the workmen, and expending 60,000*l.* upon a factory. He begged pardon for trespassing on the House on that occasion, and would leave these facts to speak for themselves.

Mr. *Clay* said, the noble Lord, in commenting on the speech of his hon. Friend, had done so with all his usual dexterity, but with scarcely his usual fairness. He had thought proper to assert that his hon. Friend's speech did not at all go to remove the impression which those facts which had been stated the other night had a tendency to create. That was not giving a fair impression of the speech of his hon. Friend. His hon. Friend did not deny now what he had then asserted, with respect to the increase of our exports, but gave an explanation at which he was surprised. He now said, that instead of the amount of exports being the cause of congratulation, they were good ground of alarm. He said that every year cotton twist of finer and finer qualities was exported, showing that the foreign manufacturers were acquiring the art of manufacturing that article into fabrics. He begged to state this as the case of the advocates of the repeal of the Corn-laws. Their case rested merely on this ground—the increasing prosperity of the foreign manufacturer. The opponents of the Corn-laws asserted, that the foreign manufacturers were increasing in skill continually—that they would shortly rival us, and rival us successfully. And it was with such a prospect before us, that he agreed with his hon. Friend, that the increase in our exports this year, and the character of such increase, were calculated rather to excite alarm. With regard to what had fallen from the noble Lord, he (Mr. Clay) quite agreed that they had a right to assume, where men would embark capital, that there was a profit ; but our exports had not at all increased in proportion with the increase of population.

Mr. *Hindley* said, that in his judgment the noble Lord must be mistaken in the statement which he had made; and from his knowledge of that part of the country, he thought it would be impossible to show that nineteen new factories had been erected, not in Preston, but in the whole of the cotton manufacturing districts within the period the noble Lord had mentioned. There had been considerable prosperity in that branch of trade prior to 1836, and then, undoubtedly, several new factories were built; but he was certain, that within the last two years nothing of the kind had taken place. Oldham he knew to be in a state of lamentable depression, and, as far as his information extended, he was convinced, that the statement of the hon. Member for Manchester was perfectly true, and that manufacturers had been obliged to export their goods at a sacrifice. Although this was so, still they went on, but this fact only showed the danger of such statements as those which the hon. Member for Kendal had made. He did trust that such statements would not induce the House to refuse inquiry into the Corn-laws, because it was most important that some investigation on that subject should take place.

Sir *H. Fleetwood* said, that he had stated, that in the building of those large factories it was not only requisite to enter into arrangements for building them before the time of erection, but he had likewise stated another observation to the noble Lord opposite—namely, that during the last year there were no additions to the number of factories in the course of erection. He was to leave town, to-morrow, to attend a large meeting at Preston, and he hoped he should have the satisfaction on his return to explain the real state of trade there.

Mr. *G. W. Wood* in reply, was understood to say, it would have been very easy to have pointed out, that the great increase which prevailed was in the raw material, on which no labour was bestowed except by the foreign manufacturers. The hon. Member had referred to the banking system in America. He had made no reference to the banking system in America. He had said there was great distress in this country, and we ought to find a remedy for it; but that did not arise from any error on the part of the manufacturers. He thought, that the information he had been laying before the House, whether for better or worse, was matter of importance and that, therefore, the arguments on both sides of the question should be taken into consideration. The petitioners apprehended, and the documents which he had read proved in a very satisfactory way the reality of those dangers which they apprehended, from the competition of the manufacturers abroad.

Returns ordered.

Destruction of Corn.] Mr. *Baines* moved for a return of the quantity of bonded corn abandoned by the importers in the port of London in the year 1837, and destroyed, which he thought would show the necessity of having a repeal of the Corn-laws. He made this motion in consequence of a fact which had reached his ears, and which he believed to be well authenticated, namely, that 1,000 quarters of corn had been imported from Odessa, in 1831, into this country, which, owing to our state of the Corn-laws, lay in bond till 1837; that the persons who were the owners of it in 1837 made an application to Government to have it liberated from bond, which was allowed on condition, that it should be sunk in the Thames, and that 1,000 quarters of corn were actually sunk in the Thames. Surely that was a state of the Corn-laws which could not be satisfactery to this country. If there had been a small duty paid upon it, there could have been no doubt, that it would have been advantageous to have the wheat sold; but, in consequence of the high rate of duty, it had lain in bond until it had become so deteriorated, that it was not worth the duty demanded for it; therefore, as an act of grace and favour on the part of Government, the owner was allowed to take it out of bond, and to sink it in the Thames. That circumstance took place when the great distress was prevailing in the Highlands of Scotland; and surely it would have been far better to have sent the corn to them than that 1,000 quarters of wheat should have been thus wastefully destroyed. How many other quarters had been dealt with in a similar manner, it was impossible for him to say.

Return ordered.

Metropolitan Police.] Mr. *Fox Maule* moved for leave to bring in a bill to amend the Police Acts, and improve the system of police in and near the metropolis. With respect to a union of the police of London and that of the other parts of the metropolis, the Government had received many recommendations and objections. Some parties were of opinion, that this union should have taken place in the first instance; but, so far from regretting, that it had not, he fully agreed, that the right hon. Baronet, the Member for Tamworth, by whom the new police were introduced, would not have been justified if he had made so extensive an experiment. With, however, an experience of ten years the case was very different, and the present Government felt, that the attempt was one which they would be warranted in making. There were provisions and details in this bill which would require considerable attention on the part of hon. Members, but at present all he felt it necessary to say was, that it was one of two bills which were intended to be introduced, having for their object the proper distinction between the judicial and ministerial functions of the police.

Colonel *Sibthorp* said, that, however he might differ from the hon. Gentlemen opposite upon other points, he should say, that he thought such a bill would be productive of much advantage. The police were a most meritorious force, and he should feel it his duty to suggest at a future stage of the bill, that there should be an increase of the present amount of pay. When he considered the amount of pay in Bristol, in Liverpool, in Manchester, and other large towns, and when he recollected the efficiency of the London police force, he was convinced, that in justice to that body, they ought to increase the pay, for they had more arduous duties to perform, and they did so in a manner which gave universal satisfaction. At present they were ill requited for their important duty. He felt so strong a sense of the injustice which was done to the police force by insufficient remuneration, that he considered himself called upon to direct the attention of the House to the subject, and in doing so he should remark, that he never received a single complaint in relation to the pay from any one connected with that body. It was most important, that the House should adopt his suggestion, by which means they could ensure the services of a good and faithful body of men, whose conduct was such as to merit the praises of all. He should bring forward a suggestion to this effect at some future stage of the bill.

Sir *R. Peel* wished to be informed whether the proposed bill was to be founded upon the report of the committee which had sat last year? The country was indebted to the hon. Gentleman, the Member for Lambeth, for the attention which he had devoted to the subject, and the information he had elicited. He apprehended, that the bill of the right hon. Gentleman had for its object the extension as far as possible, of the Metropolitan Police Act. That act had given the greatest satisfaction. Indeed, the only persons who had cause to be dissatisfied with it were the thieves and rogues. He apprehended, that the proposed bill would not materially alter an act which had been universally approved of, and which had been found so efficient.—Leave given.

TREATY OF COMMERCE WITH AUSTRIA.] Viscount *Palmerston*, in presenting some papers to the House by command of her Majesty relating to the treaty of commerce recently entered into between this country and Austria, would take the opportunity to remark on some observations which had been made in another place, and by the right hon. Baronet, the Member for Tamworth, who seemed to have misunderstood the nature of the treaty. It had been stated, that the treaty was substantially the same as the treaty of 1829. The treaty of 1829 was, like this treaty, a treaty of reciprocity with regard to the navigation of the ships of the two countries. But the treaty of 1829 specifically excepted the Austrian commerce from the benefit of the treaty. This treaty extended to that commerce the benefit of the treaty. This treaty also permitted Austrian ships to bring to British ports the produce of those portions of Asia and Africa which lay in the Mediterranean after the produce should have been brought to an Austrian port. By the treaty of 1829 an Austrian vessel would not have been entitled to the benefit of the treaty coming to an English port from an Austrian port, if it had not brought the produce of Austria, but the produce of Asia. This was the enlargement of the treaty. Another point was, that the benefits of the treaty were, by mutual consent, applied to the ships of either party coming not direct from the ports of the other country, but from any ports above Galacz—that was, the Turkish ports above the Danube. By this treaty there had been effected a great and important change in the commercial system of the empire of Austria; because for a very great length of time the old principle of the Austrian tariff was a principle that, except in favour of certain articles, was a system of prohibition. The Austrian Government had determined to change that system, and to substitute for the system of general prohibition, a system of universal admission on the payment of reasonable import duties. So that not only did this treaty contain very important provisions for enlarging the sphere of commerce of the two countries, but the Austrian Government, taking an enlarged view of commerce, had effected that very important change. He considered that these two treaties, the treaty of Austria and the treaty of Turkey, would open a very great and increased field for the commercial industry of this country, and that these treaties were likely to be attended with very great advantages to the commerce of this country. It was also a satisfaction to think that they would be even more beneficial to the commerce of the two countries with which they were effected, for he was persuaded that the commerce of Austria and Turkey would derive even more benefit from them than this country. This country was indebted greatly to our two Ambassadors for the zeal with which they had conducted the very long and difficult arrangements which had conduced to this result. It was not merely sufficient that the Government should be willing to co-operate with us in carrying this object into effect, but it was obvious that a great number of local difficulties and prejudices had to be surmounted. And he was bound to say that, not only was great credit due to Sir Frederick Lamb and to Lord Ponsonby for the important share they had taken in this affair, but that Mr. M'Gregor, who had been employed under Sir F. Lamb in the negotiation at Vienna, and Mr. Henry Bulwer, who had been employed in the affair under Lord Ponsonby at Constantinople, had also rendered very important services to this country.

Sir *R. Peel* said, the noble Lord had quite misunderstood him if the noble Lord supposed that he had said one word in disparagement of these treaties, especially as to that with Austria. With regard to the treaty with Turkey, the design and principle of which he held to be good, he was only afraid that, in the present social state of that country, very great difficulties, perhaps a complication of the political relations of this country, would arise. This, however, would not be the fault of the treaty, but of the condition of Turkey at present. As to Austria, he was quite aware that the present treaty went beyond that of the year 1829, and he had not attempted or intended to represent it as a mere renewal of that treaty. What he (Sir R. Peel) had said was, that he thought that the hon. Gentleman, in omitting to state that the treaty made in 1829 was the same in principle, had concealed an important fact. This treaty was in principle the same as that signed in 1829 by his noble Friend the Earl of Aberdeen. The traffic with Malta and other places in the Mediterranean provided for in the present treaty was not alluded to in the treaty of 1829, and he had expressly stated on a former occasion that the increase and improvement in steam navigation would naturally account for this extension of the principle contained in the treaty of 1829, But he wished to ask the noble Lord whether English commerce could fully avail itself of the opening which the treaty held out without some concurrent arrangement with Turkey—in other words, whether there were not ports in the Mediterranean over which Turkey might have a control, and therefore whether it was not in the contemplation of her Majesty's Government to invite Turkey to enter into an engagement by which the full advantage of the Austrian treaty would be secured.

Viscount *Palmerston* replied, that no such concurrence as that hinted by the right hon. Baronet would be necessary, and he (Lord Palmerston) would simply explain why it would not be so. The object of the treaty was to give the same privilege to the ships of each country in direct trade with the two countries—that was to say, that Austrian ships from Austrian ports should be received in British ports as British vessels, and that British ships from British ports should be received in Austrian ports like Austrian vessels. But the treaty contained a restriction to this effect, that either Austrian or British vessels coming from Turkish ports in the Danube should be admitted into the ports of either country as if they came from ports of their own countries. Therefore, the right hon. Baronet would see that no engagement was necessary between Austria and England as to the footing on which ships coming from ports in the Danube should proceed.

Sir *Robert Peel* inquired, whether it would not be in the power of Turkey, if so inclined, to impose restrictions on the navigation of the Danube, so as to interfere with the advantages held out by this treaty, unless Turkey was concurrent in the treaty?

Viscount *Palmerston*: I apprehend it will not.

Mr. *Herries* observed, that there was another point which had not been touched upon, to which he begged to call attention. He wished to ask whether Austrian ships could bring goods, the produce of Asia or Africa, to English ports? This, under the old navigation laws could not be done, and it had been suggested to him, that a clause had been introduced into a bill of last Session, brought forward at a period when Members paid but little attention to the business of the House, by which clause, the ancient and former provisions of the navigation laws were repealed. Now, that was a most important Act, and it would have been much better if it had been introduced at an earlier period of the Session, for undoubtedly the clause made an alteration, very proper, perhaps, but certainly of a most important character. He wished to inquire whether, by the repeal of that part of the navigation laws, by the clause of last year, all nations in reciprocity with England were not specially enabled to bring goods, the produce of Asia and Africa, from the Austrian ports.

Mr. *Poulett Thomson* said, that he was glad the right hon. gentleman had put the question, because it enabled him to refer to a most important part of the treaty. A distinction had always existed between goods, the produce of Asia and Africa, from ports within the Mediterranean, and similar goods from ports outside the Mediterranean. With a view to provide for such cases, he (Mr. Poulett Thomson) introduced a clause into the bill which had been alluded to, and which had not passed without entire attention, by which the Crown was permitted, as in other cases, by orders in Council on commercial matters, to afford the advantages given to British commerce to the ships of other European countries, and to allow them to bring the produce of Asia and Africa as well as the goods of their own nations. But a condition attached to this, that some equivalent or countervailing advantage should be given to British commerce, and that had been effected under the Austrian treaty, which had secured the privilege to English ships of bringing into the ports of Austria the goods of any port in the world on the same terms as Austrian ships. In return for that privilege, it had been accorded to Austria to do that which English ships could—namely, to bring the produce of Asia and Africa from Austrian ports in the Mediterranean. All that had been done by the clause referred to, had been to enable the Crown, as in other cases where an advantage of this kind was obtained, to secure that advantage by a very small and moderate concession.

Papers to be printed.

HOUSE OF LORDS,

Tuesday, February 12, 1839.

MINUTES.] Petitions presented. By Lord VERNON, from Derby, for the Total and Immediate Repeal of the Corn-laws.—By Lord DURHAM, from Sunderland, to the same effect; also from the Committee of the Society of Protestant Dissenters, for the Abolition of Church-rates; and for a Religious Education of the people, based upon Liberal principles.—By the Duke of NEWCASTLE, from the Nottingham Agricultural Association, against any Alteration in the Corn-laws.

COMMERCIAL TREATY WITH AUSTRIA.] The Earl of *Aberdeen* was fully aware, however disagreeable it might be, when the debates of both Houses of Parliament were printed and published, and laid before the public, that it was very difficult to prevent notice being taken in one House of what passed in the other. For himself, he never alluded to what passed in the House of Commons; but he could not permit an hon. Member there to allude to that which was said in their Lordships' House without taking notice of it, and correcting it if it were wrong. Last night he observed that a colleague of the noble Viscount's referred to a question put by him to the noble Viscount some nights ago, the answer given to which by the noble Viscount he thought a satisfactory answer; and, indeed, he admitted the truth of the noble Viscount's observations. A noble colleague of the noble Viscount had, however, contradicted that answer directly. That colleague had said that the noble Viscount had totally misconceived the subject; and, consequently, his answer was perfectly incorrect. Without giving the House the trouble of hearing his observations over again, he would repeat his question to the noble Viscount, and he hoped the noble Viscount would repeat his answer. The 4th article of the treaty with Austria stipulated that vessels coming from ports on the Danube, as far as Galatz inclusively, to the ports of Great Britain or her dependencies, should be received as if coming direct from Austrian ports. He had formerly said that this was a treaty which it was perfectly competent for us to make, and, for any thing he knew, it might be a very proper one; it might include not merely ports on the Danube, but the ports of China, if we thought proper; but the article went on to say that in like manner British vessels, with their cargoes, should be placed on the same footing as Austrian vessels, when the said British vessels should enter into or depart from the said ports. He would ask what security was there for this, seeing that those ports were not Austrian but Turkish ports? What security was there that those vessels would be received in

Turkish ports, by virtue of the stipulations of the treaty with Austria? The noble Viscount, as a man of sense, saw that it was impossible that British vessels could, by virtue of this treaty, be received into Turkish ports; and he also observed, that by the position of the Danube the ports were Turkish, because on the Austrian frontier there was a shallow called the Iron Gates, through which no vessel could pass. The noble Viscount said it was clear, that without the concurrence of the Porte, British vessels could not be received into Turkish ports. It would appear to him a very odd way of entering into an engagement, if the noble Viscount and his noble Neighbour (the Marquess of Lansdowne) should agree to come into and go out of his house when they pleased, without making him a party to that engagement. He would say, therefore, that the Porte ought, at least, to have been considered, and to have become a party to the treaty. To stipulate that British vessels should be received on favourable terms in Turkish ports by a treaty with Austria, or to stipulate with Austria that British vessels should be received into Turkish ports in any manner whatever, appeared to him a mode of negociating which he had not heretofore seen. The noble Viscount also stated, as he understood, that this treaty had not been framed upon the principles of a treaty to which he had formerly referred, and which had been concluded with the Austrian plenipotentiary in 1829. He would not detain their Lordships by explaining himself at greater length on this subject, but he would read the preamble of the treaty:—

> "That the two powers being desirous of extending, augmenting, and consolidating the commercial relations of the respective states and possessions, and of affording every facility and encouragement to their subjects participating in these relations, and being persuaded that nothing could more contribute to accomplish the object of their mutual wishes than by maintaining a reciprocal abolition of the discretionary duties which before the signatures to the convention of London, 1829, had been levied on the vessels of one state in the ports of the other, they were appointed plenipotentiaries to conclude a treaty for that purpose."

That great advantages were to be expected from the late treaty he readily admitted; he approved of the treaty, and he thought, as far as it went, it was an improvement of the treaty of 1829. At the same time, when he had concluded that treaty, he never looked for applause of any sort, although he might have deserved it as well as those who had followed up and extended that treaty in some vessels. He was exceedingly glad to find the noble Lords opposite disposed to cultivate intimate relations with Austria, and to extend our commercial and friendly intercourse with that power. We used to talk of natural enemies; but he did not know why they should not speak of natural friends, and it had always been his opinion that Austria was the natural friend and ally of this country—not from any similarity in our institutions, which he thought a frail support of national friendship—but because we had no conflicting interests, and above all, because the policy of Austria for many years had been essentially pacific. That pacific policy was the real bond, and ought to be the bond, of union between this country and any other nation. He understood that the noble Lords opposite were desirous of cultivating a most intimate connection with Austria. Nothing could be more agreeable to his feelings; but this desire was rather new on the part of the noble Lords opposite. He remembered some years ago having been stigmatised very strongly in that House, and worse out of it, as being the pupil and friend of a distinguished Austrian prince. He had the good fortune to be personally connected with that individual, whom he believed to be the most prudent, the ablest, and the most respected statesman on the continent; and it gave him great pleasure and satisfaction to find noble Lords opposite disposed to look with satisfaction at our connection with Austria, and to endeavour, by every means in their power, to cultivate more and more an intimate connection with that power.

Viscount *Melbourne* said, there was great inconvenience attending a debate in that House carried on with reference to what had been said in the other, because it very seldom happened that what passed was precisely understood or rightly apprehended. He was not himself precisely aware of the observations to which the noble Earl referred; but he apprehended from the noble Earl's own statement, that it was impossible in many respects they could bear the meaning and import which the noble Earl had placed upon them. The question put by the noble Earl on a former occasion, related to the fourth article of the treaty, which gave certain advantages to British vessels entering certain ports. Now, this was an Austrian stipulation; it was prepared by the Austrian Plenipotentiary, and insisted upon by him; and although those who were engaged in the negotiation on the part of his country, saw that it was liable to this objection, yet, as it was the wish of the Austrian Government, the stipulation was inserted in the treaty. There was, therefore, no question that by this treaty there was a stipulation to do a certain thing on the part of Austria; but that stipulation could not be binding where Austria had no power; and he apprehended that nothing repugnant to this had been stated in any other place. The treaty said, that whenever British vessels entered into Austrian ports, they should receive certain advantages; but what those vessels did when they entered certain other ports, depended on the law of those ports; but the treaty said, that when they departed from those ports they should be received in Austrian ports on the same footing as if coming from England. This was the sole meaning of the article, and he apprehended that no other meaning could be affixed to it. The noble Earl went on to say, that this treaty was negociated on the general principles of the treaty of the noble Earl. He apprehended that it was impossible it could be otherwise, as it was perfectly clear that the two treaties were framed on the same principles, for furthering and extending the intercourse between the two countries. But this treaty extended that intercourse farther than the former treaty. It was admitted by the noble Earl himself that this treaty included the Mediterranean, Malta, Gibraltar, and all those parts of Asia and Africa, such as Egypt, which were within the Mediterranean. It also enabled Austrian vessels bringing the produce of those countries to enter British ports, and this was a considerable extension of the commercial intercourse between the two countries. He apprehended that this was all that had been said on any occasion with respect to this treaty. The noble Earl has stated that her Majesty's Ministers plumed themselves very much upon concluding this treaty, but that there had been a disposition to lay great stress on this treaty, or to take too much credit for it, or to set it up in any respect as of more worth than that to which it was fairly entitled, he must say, that he saw nothing of any such disposition, nor did he in the slightest degree admit any change of feeling in himself towards the country or Government of Austria, from that which he had before entertained. With respect to the observations to which the noble Earl said he had been formerly subjected in consequence of his connexion with a statesman who had for so long a time presided over the councils of the empire, that might well have been the case, the noble Earl might have been subjected to a great deal of misrepresentation and outcry and clamour, but that outcry and clamour had nothing to do with this treaty, or the parties to the treaty. With respect to the power of Austria, and the position which that state held in Europe, and with respect to her force and the conduct which she pursued in unison and alliance with this country, with respect to the weight which she possessed, and the means by which she employed that weight, he, for one, never entertained, or professed, opinions different from those of the noble Earl, and the noble Lords near him, nor had he ever expressed any opinion or sentiment inconsistent with the greatest anxiety and solicitude to preserve an amicable connexion with that country; and, above all, to maintain with her, as well as with all the rest of the powers of Europe, those commercial relations which were for the benefit of all.

The Earl of *Aberdeen* must repeat what he said before, namely, that the stipulation of the treaty to which he had referred, was one which no third party had a right to make with another. The noble Viscount said, that this stipulation had been entered into at the request of the Austrian Plenipotentiary, but then it was inoperative, and must be so as far as the admission of English vessels into those ports of Turkey went. This was a reciprocal treaty, and nothing more, it gave no commercial advantage beyond that which a treaty with France, Sweden, the Netherlands, or any other state would give. He was happy to hear that Austria had made very great improvements in her commercial system, and that she was disposed to adopt much more liberal principles of policy on this subject. Still he thought that this was most unusual and quite unprecedented, and, he must say, not courteous to an independent state, for any two others to agree how their vessels should be received in the ports of that third state.

The Marquess of *Lansdowne* said, that it should be recollected that no objection whatever had been made, or was likely to be made, by that third state. Negociations, he believed, would be set on foot to extend our commercial relations with Austria, in furtherance of that treaty; and it was difficult for any person who was not acquainted with the state of the Austrian dominions, and particularly those provinces adjacent to the banks of the Danube, to say how far those principles and our commercial relations might not be extended. They might, at all events, look for a much more extended system of commerce than we had hitherto enjoyed with those countries.

JUDGE OF THE ADMIRALTY.] Lord *Brougham*, in rising to present a petition from Walsall, in Staffordshire, praying for the repeal of the Corn-laws, said, he wished to mention a circumstance to which he was anxious to call the attention of that House, as the highest court of judicature in this kingdom, to a circumstance connected with the administration of justice. He found, that a right hon. and learned Friend of his had been returned as a Member for the Tower Hamlets. That learned person was now judge of the High Court of Admiralty, and was about taking his seat in Parliament as such a judge. He had inquired, and he had found, on the best authority, that there still prevailed a practice, in this instance alone, of all the judges of this country—a practice which was utterly subversive of the independence of judges, entirely derogatory to their dignity, wholly anomalous in its nature, grounded on no principle, but a violation of all principle by which judicial services were remunerated—the judge, in this case, had no salary. He was a judge, and the only judge without salary, holding office for life; he was excluded from practice at the bar; he was a privy councillor, and how was this judge paid—a judge in the highest station, who had to perform duties of a very peculiar and delicate description? He was paid by an annual vote in the navy estimates, and he had no salary, except some fees, which made the case, in an aggravated degree, worse; for those fees, which were hardly anything during peace, amounted to 8,000*l.* during war, and if any one judge throughout this country, or any one minister, had the power of involving this country in hostilities with other nations, it was the judge who presided in that court, before which all delicate, difficult, complicated, and perilous neutral questions must, of necessity, come. They all knew, that the armed neutrality of the North, which was so important to the interests of this country, was grounded upon a decision of Sir William Scott. It was perfectly well known, as it was put forward in their manifesto. A person so appointed, as he had stated, had a direct interest in war. He had no salary, except a vote in the navy estimates; he had a most difficult office to fill, although not a very laborious one in time of peace; it required talents, learning, and experience of the highest order, all of which were amply brought to the discharge of the duty in the recent appointment; but in the situation in which his right hon. and learned Friend was placed, he was sure he need not say any more in that court of justice in which he had the honour to stand, as well as in that court of Parliament, to convince their Lordships, and he trusted her Majesty's Government, that such an anomaly ought not to continue. He had made these objections to the mode of payment ten years ago in the House of Commons, when he took objection to the mode of appointment, and still greater to the mode of payment. He would add another objection, which he should be prepared to take when the opportunity arrived, to the effect that a judicial situation ought to be rendered incompatible with a seat in the Lower House of Parliament. Sir William Scott had decided, and this learned judge might be called upon to decide questions which had excited the feelings of the people, and which had excited the feelings of the representatives of the people beyond almost any class of cases that could arise. He alluded to Sir William Scott's celebrated decision with regard to negro slavery. Would it be decent in a judge to be a member of a popular constituency? Sir W. Scott, he believed, was Member for Oxford—and amenable to the popular voice, at a time when, as judge, he might be called upon to decide questions so exciting? But that was not all. There was hardly a week in time of war that political questions did not come before that learned judge. Last year he had himself mooted a case which might have come before that learned judge, and so narrow was the division upon that question, that there was an equality of votes in that House. All these questions were to be decided by a judge—a member of the Lower House of Parliament—who, on every occasion, and on the hustings yesterday, avowed himself a steady regular member of one political party. Everybody must feel with him on this subject, and he should oppose any bill that should be brought into that House, as there must be a bill to give such a judge a salary; he would oppose any such bill, and take the sense of their Lordships upon it. He would endeavour to secure the independence of the judge in both cases—independence in point of salary, and independence in point of a popular constituency, and independence as a member of a party in the Lower House; and if he were asked which of these two kinds of independence he thought the most important, he should declare, that, in his opinion, the latter was the most important.

Viscount *Melbourne* did not think the present the most convenient period for discussing the subject, but as his noble and learned Friend had thought proper to introduce it for the consideration of the House, he begged leave to say, that in the first part of his noble and learned Friend's statement, he entirely concurred, namely, that with reference to the situation of judge of the Admiralty, the emoluments were too small during peace, and too great during war, under the new character conferred on that judge; and he also entirely concurred with his noble and learned Friend, that it could not be too soon before some legislative measures were taken in order to correct the evils, and to place that judge in a more easy, firm, certain, [and becoming situation with respect to salary and emoluments. At the same time, that he declared his entire concurrence and agreement with his noble and learned Friend in the first part of what he said, he could not allow that opportunity to pass, without declaring his entire dissent and difference from him with respect to the latter part. He thought that his right hon. and learned Friend ought to have a seat in the House of Commons. He did not think that his judicial independence would be at all affected in such a situation. He did not think that they would be at all prudent in impoverishing that assembly by removing from it all high legal judicial knowledge. He thought that was a bad course of policy, and one that had been pursued too far; and he must be allowed to say that the objection taken by the noble and learned Lord, if it had force at all, applied equally to that House as to the other House of Parliament; and he apprehended that no objection had been taken hitherto according to the law or the constitution, to the highest person holding a judicial situation having a seat in that House. If it necessarily brought him in contact with politics, if it subjected him to political associations and political dealings, all the objections urged by his noble and learned Friend were as applicable to holding a seat in that House of Parliament as in the House of Commons. That unquestionably was his opinion on this subject. When the bill was introduced into the other House of Parliament, if it should pass, their Lordships would then know the shape in which, and the opinions accompanied by which, it would come up to this House, and they would then have an opportunity of considering what those opinions were.

Lord *Brougham* said, there was this little difference between the two Houses, that their Lordships were all judges. The House of Peers was a court of justice. Every one, even the noble Viscount himself, was a judge in appeals, and that House was as much a court of judicature as of legislature. They acted according to oath here, and there was no constituency to control them. That made a most material difference. He did not think it right that a judge of a court of justice, whose duty it was to act according to his conscience, should have to go to Westminster or to Middlesex every six weeks when his constituents chose to call upon him, to enter into an account of the whole of his conduct to five thousand persons. With respect to the statement of the noble Viscount, that in preventing men filling judicial situations from sitting in the House of Commons, they had gone to far; most undoubtedly the Whig party had constantly taken that course. The tendency of that party was to limit as much as possible the connection of the judicial with the legislative functions, in order to keep the judicial seat pure from political association. If the noble Viscount had had as much experience as he (Lord Brougham) had of the questions that came before the Admiralty Court, the neutral questions, and questions of the laws of nations, he would be aware that for several years during the late war nine parts out of ten of the political topics of the day related to the decisions of the Court of Admiralty. Was that, then, a court, the judge of which was to be continually involved in political connections?

Subject dropped.

Naval Education.] The Earl of *Hardwicke* begged to call the attention of the House to a question which their Lordships might consider of little importance, but it was one, he could assure them, which the public out of doors considered of very great importance. The question which he wished to address to the noble Lord opposite was, whether he had yet made up his mind as to the system he intended to adopt with regard to the question of naval education. 'Till about two years ago there existed a seminary at Portsmouth, called the Royal Naval College; it was then abolished, the noble Lord opposite having conceived that the youths would be better educated afloat. The noble Lord was quite aware that he (Earl H.) had taken a deep interest in the subject, and finding that two years had elapsed and no other system had been adopted, he considered that he was perfectly justified in putting the question to the noble Lord. The system carried on in the college to which he had referred was that youths of thirteen years of age were entered for the purpose of receiving, gradually, instruction in the theory of the naval profession. They were taught the principles of geometry, astronomy, and all other branches of education useful in the naval service, all of which they afterwards applied practically afloat. They were also instructed in the principles of hydrostatics, in ship-building, and in fortification, and, having completed a plan of study, (within a given time, the youth was permitted to go into the navy, and he was allowed in estimating the time he was obliged to serve before he could be promoted, to reckon as two years the time spent in the College. These youths were instructed in the dockyard; they had the advantage of seeing ships docked—no mean advantage, he could assure their Lordships, for many officers in the navy had not seen that operation performed; they went through a system of education which enabled them at once to become useful in the situation of a midshipman. There was also this advantage, that youths between the tender age of twelve and fifteen were educated on shore, almost under the parental eye—and they could not go outside the gates of the college without seeing something instructive to them for their profession. If they completed their education in two years or less they were allowed two years time: if they completed their education within three years they were allowed only two years; and if they did not complete it within three years they were turned out as incapable. The system also cost the Government nothing. In the estimates of either 1832 or 1833, the last time the College was mentioned, it was put down for 500*l.*, but there was a note attached which stated that the next estimate would be nill. That system was abolished. The noble Lord opposite adopted a plan for educating the youths afloat; he proposed to get gentlemen from Oxford and Cambridge, men of high attainments, who were to have the privilege of sitting at table and messing with the officers, and other advantages were held out to them—those gentlemen were to keep schools aboard ship. The former plan, in his opinion, was of much more advantage to the youth of so tender an age—he was exempted from walking the deck during the night-watches—he was sheltered from the wet and cold, and he at all times was under parental care. On the other hand, at sea he was exposed to all the inclemencies of the weather, which alone would render it impossible that any system of education could be carried on. The changes of situation — the making and shortening of sail—the visiting new ports—all would distract attention from study—these were the two plans, and this, so far as he was aware, was a fair comparison between them. The next point of importance to be considered was the cost. The college cost nothing when it was abolished, but he believed that he was right in stating, that the pensions to the officers amounted to 1,500*l.* a year. There were twenty-one sail of the line afloat, as they were told; the twenty-one schoolmasters in them could not cost less than 100*l.* a year each, which gave at once a sum of 3,500*l.* increase of expense caused by the abolition of the college. Was the system even carried into effect, he would ask—was he wrong in saying, that the system had altogether failed, and that the noble Lord, with all his blandishments, during the whole period of two years, had not been able to induce more than six gentlemen to enter as schoolmasters. He might then say, that the navy of this country—the navy to which the gentry of England naturally looked as a profession for some of their children, had been absolutely for two years without any education, which he considered a point of some considerable importance to the country at large. He had never heard any objection to the former plan, except that which would apply to every plan. He had heard some of his brother officers say, that they could not manage these youths—that they came on board full of mathematics, and were fit for no duty, which might very well be called stuff. He never yet saw a youth that could not be managed by some means or other. If the Government had taken care that the youths should have been obliged to keep up to the pitch of education which they had received, and to carry it forward, if for instance, the noble Lord had appointed a lieutenant to each ship to look after that class of youths, to make them work their observations, and to make all the calculations necessary in navigating a ship, the minds of the youths would have been kept in progress, and their education would not have been thrown away. Wherever the former system of education had failed, he had no hesitation in saying, that it was the fault of the officers. The youths were neglected, and when they intended to come up to pass as lieutenants, there was a constant necessity for re-priming and re-loading. He should be glad to hear from the noble Earl upon what grounds the establishment was abolished—he was at a loss to discover, because the college cost nothing, the expence being the only charge which the economists could bring against it. While he was upon the subject, he would like to say a few words with respect to the naval architectural school. He believed that it was necessary to get rid of that establishment, because it educated men so highly, that unless they found situations for them, there was a danger of that education being transferred to the service of a foreign power, though there was a stipulation between the Government and the young men who entered apprentices to the system. They were told that they should rise gradually from the situation of foreman to surveyor of the navy, which situation was to be their goal. He was afraid, however, that after that seminary was established, very little had been done for those young men. He was informed that very lately no less than twelve vacancies had fallen in of situations which these young men were capable of filling, and yet only one had been promoted. He was anxious that the service should have the advantage of the talents of those young men, and he was as anxious that they should be rewarded. Before the establishment of that seminary, our naval architecture was entirely borrowed from foreigners; and he might safely say, that before that period it was carried on very much by the rule of thumb—but it was greatly improved since inducements were held out to young men to study naval architecture. Originally they were to be eligible to certain offices, but many of them had since been abolished. The offices of master shipwright, and inspector of naval works, with many others, had been abolished, which used to be considered as so many incentives to good conduct on the part of the shipwrights. Who was first surveyor of the navy now? a naval officer, who never had been a shipwright. Thus and thus the boon which had been held out to that class of young men, had been taken away. Ought not the House to do something for so useful a set of men, who had been educated, and who, by agreement, were to be treated upon a certain footing? Twenty-two of them were now in the various dock-yards—one was the surveyor's assistant; one was in the East India service, and one was settled in America as a professor in one of the colleges in that country, having carried all his science with him. He hoped the noble Lord at the head of the Admiralty would remember this highly educated, and highly gifted class of men, and in any alterations which he might make in the naval service, be kind enough to adhere, as nearly as he could, to the intentions which had been professed towards them; he beggedin conclusion, to ask the noble Lord what system of education he meant to adopt in the naval service?

The Earl of *Minto* said, that if he had had the least idea that the noble Lord in giving notice that he meant to ask a question, intended to go so much at large into the subjects upon which he had dwelt, both of naval education and of naval architecture, he should have come down prepared with documents, and should therefore have been able to answer the noble Lord, not only more in detail, but also in a more satisfactory manner. Nevertheless, he should proceed shortly and, he hoped, clearly to answer the noble Lord. First, with regard to the system of naval instruction which he intended to establish. But before he did so, he must express his surprise that though the Naval College had been for some time abolished this was the first opportunity upon which a complaint had been made respecting the abolition.

The Earl of *Hardwicke* begged to explain that he brought the subject forward in consequence of the many complaints he had heard upon the question of naval education.

The Earl of *Minto:* as to the abolition of the Naval College, he might, if he choose divest himself of all responsibility upon the subject; for that had been determined upon previous to his coming into office, in consequence of a pledge to that effect, which had been previously given in the House of Commons. Upon coming into the department over which he presided, he made inquiry as to the college, and as to the prospect of success which it afforded; and he must say, that all the information he received went directly to show its inefficiency; the answers of all the most experienced officers to whom he referred were generally to the same effect. He was told that the education given in the college had entirely failed, either in producing highly-instructed officers, or of making seamen of officers after they left the college. The opinion prevalent respecting the college was, that it began at the wrong end, that boys were instructed in matters the use of which they could not divine; and that they learned to make calculations without exactly knowing the objects to which it was intended to apply them; and that they were set on board a ship, ignorant of what they ought to know. To prove how little benefit was derived from the college, he had a list to show how many had been unsuccessful at their last examination. The return showed how many young gentleman sought to pass for lieutenants. He could not answer for the accuracy of the return, as he did not come prepared with an official one, not knowing that the subject would have been entered into with so much detail. The return however to which he referred shewed that at one time there were 171 examined, of these there were forty-nine college midshipmen, and out of these fourteen were turned back; of those who had not been educated in the college there were one hundred and twenty-two examined, and of these forty-two were turned back. The proportion of those who were not collegians was rather greater than of those who were. It was to be remembered too, that boys coming from the college were always put into the best ships, and where there were schoolmasters, while the others had to take their chance in the service. As to the expense of the college, the noble Earl had made a mistake upon that point, but that was, indeed, a very trifling part of the question, and one that ought not at all to be considered. He thought the expense of the college had been about 2,000*l.* a year, but if it were five thousand instead of two, it should be willingly incurred, if the college attained the object for which it had been established. In the last year of the existence of the college but very few applications for admission to it had been made. There was no doubt but that the boys went out of the college well instructed in certain things; but they lost afterwards the knowledge they had gained there. It appeared, then, to him that the much better, as well as the more simple course to be pursued, was to provide education on board ship, where boys might receive instruction of the utmost importance to them, and where they might become seamen and skilful officers, and acquire habits which could alone be obtained at an early period of life. One very serious objection that had been made with respect to the instruction given at the college was, that it was an exclusive establishment; that it provided for one part of the service, and left the other parts of the service totally unprovided for. Now, with regard to the system which he proposed to establish, he regarded it as far superior to that which he had described; and he had also to say respecting it, that as far as it had gone, it had been found to be eminently successful. There was, he had to remark, a most eminently successful school of instruction, of highly practical education for young men, on board the Excellent. What he sought for was, to place on board of ships men highly qualified to act as schoolmasters. He could not help repeating, that in the attaining such an object as the imparting of the best naval education, expense was a matter not to be considered. It had been complained that the schoolmasters in the navy were very indifferently paid. It had been complained of by gentlemen calculated to impart the best instruction, that they had not a cabin, that they had no fitting position in the ship, that they had no hold on the service, and that when a ship was paid off their connexion with the service ceased. He felt the justice of their complaints, and in endeavouring to put an end to them, he considered himself justified in seeking for gentlemen of higher qualifications than those who had previously acted as schoolmasters. He raised the character of the situation by allowing those gentlemen to mess with the officers, and to have a cabin, and by giving them a small retiring allowance, something in the same manner as chaplains. [The Earl of *Hardwicke* : How many gentlemen did the nobleLord get to accept the situation ?] He was coming to that. He observed, that various difficulties occurred in the outset, as to the procuring of gentlemen of the class and attainments which he wished for; but there were now fifteen or sixteen gentlemen who had all, or nearly all, been graduates of the University of Cambridge, most of them having been wranglers. That was the present state of the progress, in the new and improved establishment of schoolmasters for the navy. It was very short of what was necessary,—it was very short of what was desirable; but, in the mean time, they still had on board the old schoolmasters. Such, then, was the present state of education on board ship. It was a great deal better than what it had been; but it was greatly short of that which he desired to see it. He should not trouble their Lordships farther on the subject of the college; but to say that it really had not been suppressed on account of the expense incurred in maintaining it; but because the expense was ill-applied, and the establishment did not answer the purpose for which it had been instituted. There was another subject which had been dwelt upon by the noble Lord—it was that of the school of naval architecture. That, he must say, had been regarded as not answering the expectations of its founders. From that school had come a number of ingenious young men; but not shipwrights. Whatever scientific knowledge they possessed, they were found to be less fitted for higher offices in the dock-yard than those who had gone through the ordinary long apprenticeship. A certain number of them had been allowed to retire from the service; but not one of them, certainly not more than one of them, had followed out the profession of a builder. It was quite true, as was stated by the noble Lord, that an expectation had been held out to them, that they should be deemed eligible for promotion to the highest situations in the department. He did not conceive that those who were engaged in founding the establishment were so imprudent as to give a pledge that those persons, whether fit or unfit, should be promoted. All he presumed that had been done was, that they *cæteris paribus*, should have a fair chance, and that they might look to those offices. What, then, had happened? That every one of these gentlemen had received advancement without exception. He did not believe that they had been advanced to the highest ranks in the department, because there were many older officers in it, who had higher claims, longer standing, and of well-known ability and experience, and there was no reason why those older servants should be passed over, for the purpose of providing for young men. In every instance these young men had been advanced, and he was sure that, in every instance when it was found that a pupil of the school of naval architecture was as well qualified as his rival might be, the balance was made always to incline in favour of the former.

The Earl of *Hardwicke* remarked, that before the formation of the school of naval architecture, the mode of building in the English navy was unscientific, and that, as he had before expressed it, they went by "the rule of thumb."

The Earl of *Minto* understood, that the objection of the noble Earl was, that the system of ship-building had been unscientific. He took it for granted, that the noble Earl alleged that the same system was continued under the present surveyor of the navy. Now, it did happen, that the very best ships—he repeated it, the very best ships that had ever gone out to sea—the very best ships that had ever been in an English dock-yard, were the work of two uninstructed naval officers, —one of these officers was the late Admiral Hayes, an officer of infinite talent and of great experience, and the other was the work of the present surveyor of the navy. He would answer for it, that if an inquiry were made among the officers in the service, or of the officers the most experienced in the French and Russian navies, it would be declared, that the Vanguard was the finest man-of-war that ever sailed on the sea. He did not express his own opinion, for he felt it to be his duty to consult the most experienced officers, and those out of his department, as well as those connected with it, and he did say, that he had not yet heard that any of the ships built by Professor Inman had been considered to be a ship of superior merit. The noble Earl had said, that the gentlemen educated as naval architects had not been fairly treated. He must admit that he had not taken and put young men over the heads of older men. The pupils in naval architecture were highly ingenious; excellent young men had come from that school; but they had no claims to give them a preference over those who had greater experience and equal talent with themselves. In time those gentlemen would rise to much higher situations; if not to the very highest. He was sure that those gentlemen must know themselves that the Board of Admiralty meant kindly towards them, and that he was disposed to consider their claims as he was bound to look to the claims of others; but then he could not consent to put them over the heads of superior officers, and those who were older, and, from their experience, better qualified than themselves.

The Earl of *Hardwicke* stated, that there had been in this country no men of original science upon this subject. They borrowed from foreigners; and he believed, that to this day they had no work upon naval architecture, and even upon this subject Chapman (a Swede) was quoted as the very best authority. He had one word to say as to Professor Inman, and as to the allegation that no ship of a superior class had been built by him. [The Earl of *Minto*: I said that they were inferior.] Granted; and why? Had any Lord of the Admiralty ever given a professor permission to build a ship, as Captain Symonds had had permission—to build not only on his own lines, but on his own tonnage?

The Earl of *Minto* said, with regard to the competition with Captain Symonds, he could only say, that a very few months before the lamented death of Admiral Hayes, he did make an offer to him to build on his own lines and on his own tonnage. In fact, the tonnage was not the restriction which it was thought right to put on the building. But the most potent and useful restriction was this, that the ship should carry certain masts, yards, and sails, so many months' provisions, and then the architect might build his ship as he liked. If he built his ship too large, she was good for nothing; and if too small, she was good for nothing. They had allowed every man to build as he thought proper, subject to these conditions—that they must be ships to carry certain yards, men, masts, and sails; and they were quite sure that the builder would not have a bolt in them more than was proper.

Viscount *Melville* was not sure that he could come to the same conclusions on this subject at which his noble Friend opposite had arrived. He had during the latter years of the war endeavoured to enforce the highest system of education amongst the officers of the navy; and that that had been acted upon was well known to every one conversant with naval affairs. In point of science, of education, and of accomplishments, the officers of the navy were now placed upon a higher ground than they ever had been at any former period. He differed from his noble Friend as to the opinion he expressed, as to the character of the naval college; for he knew that highly educated officers had been turned out of that school. He thought, then, that it was very impolitic to put down one establishment until they had another fully capable of supplying its place; and it was evident that some time must elapse before the new plan of education could be successfully carried into effect. When the noble Earl opposite alalluded to the Naval College and referred to the number of officers educated in it who had been turned back, he did not think that the noble Earl had specified the particular year in which this occurrence had taken place; but, admitting its accuracy, one circumstance might be stated in explanation of it. There was one rule which he recollected was enforced with respect to all gentlemen educated in that college—namely, that after they left the college certain papers were in each year required to be worked by them, so that when they came to be examined it was found that they were as well versed in all branches of knowledge as when they left the college. When his noble Friend, then put an end to the college, that system must also have been abandoned. As to the school of naval architecture, it had been established before his time; but during his time there could not be found situations for the number of young men educated there. That there was a necessity for such a school was evident from the fact that the French always built better ships than were built here.

The Earl of *Minto* declared that there was no man more anxious than himself, perhaps none so anxious as he was, to raise the character of the schools for education in the navy. He quite agreed as to all that had been said by officers being more highly educated than they had been; but still there was room for very great improvement. He should have stated, after mentioning what had been done with regard to providing schoolmasters, that one part of the system was not yet at work, but he hoped it would be in a few months, and it had only been delayed by his extreme anxiety to retain the services of gentlemen sufficiently well qualified. The system was partly a revival of the college in another shape. The objection which he had formerly felt to the college was, that the instruction commenced at a wrong period of the young gentlemen's services, and that it would have been better applied after six years' service at sea. He had therefore last year obtained an Order in Council for the establishment, in the first instance of a small school (and he was sure his noble Friend would agree with him that it was necessary to go gently in the first instance), which was intended to be combined with that of the *Excellent*. The *Excellent* being the chief school of gunnery in that country, in which the elements of mathematics were also taught. The advantages of that system might be afterwards extended; but the scientific education at present given on board ships was limited in its operation, and few could go through it. It was intended that the course of gunnery instruction on board the *Excellent* should be most strictly followed out, and the system would be such as to enable any officer, on application, to be examined as to his skill in gunnery. As he had before stated, the delay was owing to the difficulty he had of satisfying himself of the qualifications of those applying for the appointment. Such was a mere outline of the plan proposed. With regard to one other point on which great stress had been laid—the examinations supposed to be carried on on board ship, after the young gentleman had left college—he had taken some pains to ascertain what the instruction ought to be but he had not yet been able to satisfy himself on that point.

Lord *Colchester* observed, that, with respect to the examination papers, which it had been the rule to send to every ship that the pupils might return them with answers, he could only say, as far as his own ship was concerned, during thre years that the college existed, these papers were regularly sent. But he did not know anything of the custom of returning them every month. When they were received, the questions were worked and the answers regularly returned, in obedience to the rule. This he asserted with respect to his own frigate. He could not say what was done by other officers in the service. He understood the noble Earl's objection to the naval college was, that the pupils had no opportunity of acquiring practical knowledge there, and that when they went on board ship they lost the scientific and theoretical acquisitions they had made in college by not having them kept up; and the noble Earl proposed that instead of this arrangement there should be a college of a higher description, in which young men should enter at a more advanced age, and after passing their examination in practical seamanship. Now, he must be permitted to observe, in reference to the old system, that the noble Earl had admitted that the education of the college was good while it lasted, and that what was taught there was taught well. As to the neglect on board ship in not keeping up the information gained at college, the blame should rest with those whose duty it was to see that it was kept up—the captain and the schoolmaster. If their duties had been enforced the system might have worked very well. Further, as to what the young gentleman really did learn at the naval college, it was a mistake to suppose that they were merely engaged in learning mathematics. During his own time they had been taught to work great guns, to row boats, and to perform some other naval operations, and that he thought was as much seamanship as could be expected in boys from thirteen to fifteen. With reference to the statement that the ships built by Professor Inman had been the worst, he must say that with this opinion he did not agree. The professor of the college had never had to build a vessel of larger size than an eight-and twenty gun frigate.

Subject dropped.

HOUSE OF COMMONS,

Tuesday, February 12, 1839.

MINUTES.] Bills. Read a first time:—Prisons (Scotland); Poor Relief Amendment (Ireland); Copyright Amendment; Spirit Licenses (Scotland).

Petitions presented. By Mr. GRANT, from four places in Invernesshire, for Church Extension in Scotland.—By Sir MATTHEW WOOD, from the Society for the Protection of Religious Liberty, for the removal of the Civil Disabilities of the Dissenters; also from the Ward of Cripplegate, for the Abolition of the Corn-laws.—By Mr. Serjeant JACKSON, from a parish in the County of Roscommon, against the system of Education in Ireland.—By Mr. KELLY, from Ipswich, against any system of Education not founded on the Scriptures.—By Sir G. GREY, from Devonport, by Mr. HUME, from Brentford, and Peterhead, by Mr. GIBSON CRAIG, from Dalkeith, and by Mr. FINCH, from Walsall, for the Total Repeal of the Corn-laws.—By Mr. GALLEY KNIGHT, from the Nottingham Agricultural Association, by Mr. EATON, from four parishes in Cambridgeshire, and by Sir HENRY HARDINGE, from Launceston, against any alteration in the Corn-laws.—By Mr. PACKINGTON, from Simonburn (Northumberland), and from a place in Leicestershire, for an Extension of the Church Establishment in Canada.—By General SIR DE LACY EVANS, from Westminster, for Economising the time of the House of Commons.

EDUCATION.] Lord *J. Russell* presented certain papers relating to Education. In moving that they be laid upon the Table, the noble Lord said, that he was anxious, as so much discussion had recently taken place on the subject, to explain, though without going into detail either as to the degree of education or the plan that might be proposed—to state generally the outline of the views of her Majesty's Government on this question, because whatever objections might be made to their views and intentions—to whatever opposition they might be exposed—it was certainly desirable that the opposition should be grounded on what they really intended, and not on any fanciful suggestions of those who chose to say "such and such are the intentions of the Government," and then launch out into he most violent objections against that supposed plan. He was one of those who thought there still existed a lamentable want of education, especially among the poorer classes of the community; and he had thought it his duty to represent that conviction to her Majesty, and to call her Majesty's attention to that subject. The present state of education might be gathered from the various reports that had been made to this House, from the debates which had occurred both in this and the other House of Parliament, and from the publications of different societies who were engaged in the useful and benevolent task of promoting education in this country. It resulted from all these statements, however much they differed, that there was still a considerable portion of the people without any religious instruction whatever. It appeared from the reports of the chaplains of our gaols, that there were a great many persons who had not received even a portion of elementary instruction; and it further appeared, even from the statements that might be made by those who told them that nothing more was required to be done, that the education at present given was of a very defective nature, and, though bad in quantity, was still more defective in quality. The statements with respect to the amount of education varied exceedingly. He believed it had been stated, upon the authority of Lord Brougham, founded on tables of returns presented to the House, that about 1,270,000 young persons were receiving education in England. It had been stated very lately at a public meeting, that there were no less than 1,500,000 persons who were receiving education in connection with the Established Church. In those statements, there was a very great discrepancy; and he did not think it right to lay any very great stress on any returns which he had been able to collect upon the subject. He would refer more especially to an attempt made by him immediately after the recess to procure returns from the Poor-law Commissioners, and they certainly did not produce such accurate results as to make them worthy the consideration either of the Government or of Parliament, as forming the proper foundation of any measure, or the trust-worthy guide to any line of conduct likely to be adopted on the subject. But judging only by the general evidence received even by the Committee that had sat upon the subject of the education of the poorer classes last year, and by these other reports to which he had adverted, it could not well be denied that there was still a very considerable want of instruction in that country. Whether he referred to those nations of the continent which had lately taken a part, by means of their governments, on the subject of education, or whether he referred to the United States of America, there was some reason to say, that greater and more organised efforts had been made upon that subject in other countries than in their own, of which we boasted. It was not his intention to adopt any of those plans, or to compare them with that which it might be deemed proper to adopt in Great Britain. There was an obvious distinction between what could be done in those countries and in ours. In other countries, the Government had from the beginning undertaken the task of educating the people, finding that it was in a very low state, and had established certain laws, to which all the people were obliged to conform, and to which every school and institution was subjected. So, likewise, in the United States of America, from the very commencement of emigration in the greater part of the States, no sooner was there a small village or a few inhabitants collected together, than the establishment of a school formed a part of their political and economical arrangement. It was obvious, that a Government attempting any system of education in our own country would find the ground in a very different state, because it had been occupied in great part by those societies and institutions which had voluntarily undertaken the task of educating the people. They would find it occupied to a certain extent by the Established Church, and in other parts by the Wesleyans and other Dissenting societies, who gave education according to their own religious principles. For these reasons, it would not be possible to establish any system of education which should at once supersede those recognised and established modes; and even were the new system allowed by Parliament generally to be a much better system of education than those at present existing, it could not be expected immediately to supplant and come in the place of those various schools at present in operation; in short, no general system could be introduced without doing violence to the habits and feelings of the people of this country. Such a plan was unsuited to these kingdoms, and was likely to be unsuccessful if attempted. There was another reason which he much regretted to dwell upon, and which made it improper to come to any agreement as to a general plan of education in this country. Those who, of late years, had undertaken the task of education, had acted either on behalf of the Established Church, or of the particular sects to which they belonged, or on behalf of a society of which he had for many years been a member—he meant the British and Foreign Schools Society, which did not profess to teach children the principles of any particular Christian sect. There was a broad distinction, then, as to the mode of conducting the schools, between the parties who establised schools in connexion with the Church, and the British and Foreign Schools Society. As he understood, the Church of England, not only the ecclesiastical, but also the lay members of the Church, contended that they could not unite in any plan of education not immediately under the superintendence of the parochial ministers, which did not make the catechism of the Church of England a necessary part of the instruction, and of which the schoolmaster was not himself a churchman. He would not at present give any opinion as to the propriety of insisting on such conditions. The British and Foreign Schools Society, on the contrary, though they desired the Bible to be read in all their schools, did not allow any catechism to be taught, nor did they countenance the establishment of any restriction as to the particular denomination of Christians to which the schoolmaster was to belong; and, therefore, the schoolmaster might be an Independent or a Baptist, provided he was duly qualified for his situation. Between these two principles of action there was so wide a difference, that after consulting several persons who might be taken as the representatives of the first-mentioned party, he certainly had come to the conclusion that it would be quite hopeless to endeavour to induce those who held such opinions to concur in any one united plan of education by which the views, intentions, and wishes of all might be consulted. He must say, at the same time, that he did not think such a plan ought to be liable to the difficulties here which had been found, and were still found, opposed to the system established by his noble Friend, the Member for Lancashire, in Ireland. In Ireland there was a very great and broad distinction between the one portion of the people and the other. They did not consent to read the Scriptures according to the same version; and those who belonged to one religion required a comment on the Bible, while the other party contended that no such comment ought to be used. Indeed, there existed such a wide difference between these parties, that it was undoubtedly extremely difficult to form any united system of education. At the same time, he thought that great success had attended the experiment. In England, on the contrary, the Roman Catholics did not form any very great portion of the population, and the only other sect which did not agree in the general reading of the Bible in schools receiving children of all denominations, was the sect of Unitarians. Therefore, as far as religious distinctions were concerned, there was not the same difficulty in this country as in Ireland in forming an united system of education. Nevertheless, they must not act upon what, taking an abstract view of the case, they would conclude would be the result. They must take the objections as they found them, and he feared, from what had been stated to him, that they were insuperable. He now came to a plan, which he had lately seen propounded at a public meeting in the metropolis, which implied that the whole of the education in this country must be confided to the clergy of the Established Church; and that no system of education ought to receive any assistance or countenance from the State, except that which was carried on under the immediate superintendence of the clergy of the Establishment, and in which the doctrines of the Church of England should be taught and enforced on all. He must say, that it did appear to him, that the propounding of such a plan at the present day, so late in the history of this country, was interposing a very serious obstacle to the general education of the people. It was, no doubt, the intention and the plan of the ecclesiastical leaders of the reformation in this country, that as the Roman Catholic religion had embraced the whole of the people, so the Protestant Established Church should likewise embrace the whole population. But that such a plan was not successful in effect was well known. He need not go into the causes of its failure, which he thought were founded on the doctrines of the reformation itself; but the result was well known, that, after a very long struggle, after the punishment and degradation of those who dissented from the doctrines of the Established Church, one of the first acts of the revolution of 1688 was to recognise—or, as Lord Mansfield had termed it, to establish—the Protestant Dissenters in this country: the Act of Toleration was passed. An attempt was afterwards made to confine the whole of the education of the country to the hands of the Church; but another great event occurred in our history—another era to which they all looked back with pride and satisfaction—the establishment of the house of Hanover on the throne of these realms;—an era, when the many restrictions were swept away and freedom of education established. From that time, therefore, he conceived the general recognized doctrine of the State to be, that education was free to all persons, whether members of the Church or of any other religious denomination. The admission of Protestants, Dissenters, and of Roman Catholics to civil and political rights was carried still further by the Acts of 1828 and 1829; and he thought, that it could no longer be said, with respect either to education or to the general distribution of political power in the country, that the principle of exclusion (the Church of England being alone favoured) was any longer the principle of the State. On the contrary, the principle was, that there should be general admission of all persons, without distinction of religion, to an equal participation of civil rights. In applying this principle to the subject of education, they must consider whether it were a subject entirely confined to a question of religion; because, if it were so, undoubtedly, as there existed an Established Church, any assistance given by the State ought to be applied to that establishment. But this was by no means the case. Religious instruction was, certainly, a main part of sound education; but there were other parts also, and looking on the whole together, they ought to consider, whether they could not impart the benefits of education as far as possible to the people, not excluding a very great portion of those who dissented from the doctrines of the Established Church. He must, therefore, conclude that this principle of exclusiveness which had been set up, this assumption that the State ought not to recognize or to encourage any education but that which was carried on by the clergy, was an assumption at variance with the general spirit of our laws, and with the existing feeling of society. With respect to this part of the subject, there was another point most worthy of consideration. It was now confessed on the part, not of the Church, for the Church had nothing to be ashamed of, but on the part of the friends of the Church, and those formerly connected with parties in power: it was admitted, that the religious instruction of the people had been constantly neglected by them, and they lamented that the means of the Church of England had not been extended from time to time in proportion to the growth of population. In fact, they had allowed this great flood of population to cover the surface of the land, without taking any pains to form those channels of education into which it might be divided. Had education, then, been altogether neglected? By no means. Not only had the clergy shown great anxiety on this subject, but the Protestant Dissenters throughout the land had been most laudably zealous in the promotion of the knowledge of Christianity, and in the instruction of those vast masses of the population which had been added to the people of this country, in remote districts, without which they would have been left in a state of most lamentable ignorance. After all this had been done by the Protestant Dissenters, after they had established, he supposed, about 10,000 places of worship in this country, no success could possibly attend any attempt the object of which might be to deprive them of any of the means of education which the State might be willing to grant; declaring to them that the State enclosed itself within the Church only, and did not look abroad towards any of those who dissented from the Establishment. Besides, he should say, that such a principle would be entirely novel on the part of persons of the highest authority in this country with respect to education. The first large society founded for the purpose of promoting education by the establishment of schools was the British and Foreign School Society. Among those who were the most forward in promoting the foundation of that society, was his late royal highness, the Duke of Kent, father of her Majesty; and at the head of a large list of subscribers was placed the name of George III. An annual subscription of 100*l.* was given to the society by that Sovereign, as well as by George IV., and by his late Majesty, and was continued down to the present day. He could hardly, therefore, reconcile the sanction given by those sovereigns with the doctrine now propounded,— that no encouragement ought to be given to any but the most exclusive system of education. For these reasons the Government had been unable either to adopt a general plan of education, on which could be founded new schools for education throughout the country, to which both clergymen and Dissenters might subscribe, and had also been unable to give their adhesion to the system lately propounded, that the Church, and the Church alone, should conduct the education of the country. For himself, far was he from blaming the efforts of the Church to extend the blessings of education. On the contrary, he rejoiced to see those efforts made. He perceived with pleasure that the National Society had lately sent out queries, and were busied in collecting information upon this subject, and that attempts had been made in various dioceses to extend and improve their institutions. He thought that these efforts were most praiseworthy, and he was not indisposed to flatter himself with the belief that the Government, by the agitation of this project, had led to the increased zeal and activity which had been exhibited by the society. At any rate, he rejoiced to see this zeal and activity. But the Government was not able to agree to either of the propositions to which he had adverted, as it appeared to them that it would be better to appoint somebody to which the general management of the plan should be intrusted. The hon. Member for Waterford had recommended the appointment of a central board of education. Now, if a board of education were appointed, composed of persons of different persuasions, in conformity with the plan of educating all religious denominations in the same schools, it would appear from what he had already stated that it would not be a board possessing the confidence of the Church. He thought it better, therefore, that the Government should form that body: call it a board, or a committee, or what they would, not from any one religious body or sect, or from members of various sects, but from the official servants of the Crown, who must always depend upon the confidence of that House, and who must look to them to decide whether or not the system which they recommended was such as should be supported. He saw that a noble Friend of his (Lord Ashley) objected to that plan, but as objections were raised to all the other plans which had been proposed, it appeared to him that nothing remained but to constitute a board composed of persons who, being already the official servants of the Crown, must always be responsible to Parliament. He had, therefore, by her Majesty's command, proposed that the President of the Council and other Privy Councillors, being not more than five persons, should form a board, who should consider in what manner the grants of money made by that House from time to time should be distributed. He had, therefore, addressed a letter to the Marquess of Lansdowne, the President of the Council, and he had agreed with the other official persons named, if the House of Commons should make a grant for that purpose, to conduct the measures necessary to carry the objects proposed by the Government into effect. Now, with respect to those measures, whether they were to be carried into effect by a grant of 20,000*l*, as was the case last year, or, as he should prefer, by an additional grant of 10,000*l*., making in the whole 30,000*l*. He was ready to state to the House what were the measures which the Government thought were in the first place most desirable. He would say, then, that the measure which was most desirable was the establishment of a good normal school. He said a good normal school, for whatever might be the religious differences of the Church and the British and Foreign School Society, yet there must be questions which were not at all touched by their differences, in relation to which he thought that persons must find the systems of both of them defective, and he thought it would also be found that there were modes of education, some of which were in operation in foreign establishments, and others in this kingdom, by which the general system of education in this country would be much improved. It would, therefore, be the endeavour of this body to apply the money granted by Parliament in the first place to the foundation of a normal school, and to make it as perfect as possible. He thought that the four objects to which attention should be directed were in the first place, religious instruction; in the second, general education; in the third, moral training; and in the fourth, habits of industry applied in learning some trade or profession. All these were matters upon which many suggestions had been made from time to time, upon which many plans had been formed, and upon which there was perhaps yet much to be done before a perfect system of education could be established. But this he could say, that the plan followed in very many schools proceeded on an entirely false assumption, when reading and writing, combined with some portion of religious instruction, was said to form education. He really thought that there was much of the shrewd sense which so eminently belonged to him in the observations made upon this subject by the late Mr. Cobbett, who, it was well known, was a determined enemy to all schemes for a general education. He said, " What is the use of teaching a ploughboy to read and write? If he wants to mount a cart-horse, reading and writing will not give him a leg up. No; he knows better, without reading or writing either: he first leads the horse to a gate, and then he gets upon the gate, and then upon the cart-horse. That is education, and this is the sort of education which the agricultural labourer wants." These observations of his were not without good sense, because it was not only reading and writing which were useful to persons in that station of life, but habits of industry. A child could not be regarded as educated, who at eight or nine years of age was able to read and write, which he might forget when he was fifteen or sixteen, if those habits were not formed which fitted him for his station, and enabled him to fulfil his duties both to God and man, as well as to acquire that skill which would insure him a competency through life. He thought, therefore, that in this respect a good normal school, founded on the most approved system, would be a great advantage to this country, even if it were carried on at an expense of 400*l*. or 500*l*. per annum. He believed it would be found so useful as a model, that many persons would, after having visited it, hasten to introduce into their own neighbourhoods the rules there established. He would not read any part of the letter which he had addressed to the President of the Council, but he would read that part of Lord Lansdowne's reply which related to this part of the plan of the Government. The noble Lord then proceeded to read an extract from the letter in question, which was in substance as follows:—

" That he hastened to express his readiness to comply with the request which had been made, and rejoiced that the office which he filled enabled him to promote so important an object, which it was impossible could be satisfactorily accomplished without the countenance and superintendence of her Majesty's Government. His opinion was, that training in industrial pursuits was one of the most important objects of the present system, and he was also strongly convinced that the teachers should be so qualified as to be able to give instructions on the principles of the Church of England, without excluding members of any other persuasion, should they be unable, though willing, to receive similar instructions from their own ministers. The regulations should be distinctly promulgated and understood, in order that it should be seen what were the improved methods on which this system was based."

The noble Lord went on to say, that supposing such a sum as he had mentioned were voted by the House, and placed at the disposal of the board or committee, there were also other objects to which encouragements might be given in furtherance of the general improvement of the system of education. They might grant gratuities to teachers, for instance, and superintend the compilation of a superior class of school books, and they might, in various other methods, promote the great cause of education. He had stated what it was proposed to make the first step on this subject. Having, however, stated this, he felt called upon to state also, although he was not at present prepared to make any proposition on the subject, that he thought it advisable to introduce a bill by which education might be more generally extended. With regard to the objections which he had stated, he thought that whether they applied to general or local funds, the schools now established, whether under the church or under committees, should be supported out of those funds. He thought it possible that by these means he should ascertain what was the amount of education given in these schools, which he believed now were in a most defective state. He thought it also possible, with the cooperation of the parish, or the board of guardians of the union, to make some advances for the purpose of establishing infant schools. For his own part, he did not believe, that children from three to seven years of age could receive impressions different from those which might be entertained by the religious sect to which their parents belonged. He thought it possible, that instruction might be given to them from the Bible, without its being necessary to point out the differences occasioned by the theories of controversial divinity. He might, perhaps. be counting on too much when he looked for this, but he really believed, that as infant schools were the most useful institutions of any, since they formed at present the foundation of the others, he really believed, that if these schools could be more generally established, it would be a material advantage, and would materially increase the means of education in this country. In fact, by the habits which the child would then form, by the inculcation of moral duties, and by the goodness and love towards one another which would be taught to children at those schools, material elements of improvement would be introduced into the other schools. Lord Bacon had said, "Custom is most perfect when it beginneth in young years; this we call education, which is, in effect, but an early custom." He certainly did conceive, and he was yet to be set right if he were wrong, that the most simple rules of religion and habits of morality might be taught to children, without raising those great points of theoretical difference by which this country had been so long agitated. However, he might be mistaken, and his noble Friend, who presided at the meeting the other day (Lord Ashley) might tell him, that there must be exclusiveness and intolerance even in these schools. He had now stated the general plan of the Governmentin connexion with this question, a plan not indeed, in his estimation, the best which could be proposed, but that which was the most practicable in the present state of the country. He thought, that, considering the way in which education was carried on in the other countries of Europe, and in which it was carried on on the other side of the Atlantic, the time was almost come when we ought to remain no longer with our arms folded. He thought, that a plan which would professedly combine all religious denominations would not be agreeable to the Church, and that a plan by which education would be confided to the Church would be regarded as exclusive, and therefore would be intolerable to others. He did, however, think, that it was necessary to try some plan of general education, and, that he was in a manner obliged to propose one. It was but yesterday, that he had pointed out to the House the expediency of allotting different punishments for different offences, and of appointing different modes of trial, and he now implored the House not to leave untilled this great field of instruction and education, and especially not to leave that class which formed, in fact, the seed of our criminal population, without the protecting shield which religious and moral culture would throw around them; so that afterwards, if they fell into the ways of vice and crime, and Members were called on to put in force against them the harsher provisions of the law, it might not be justly said, that by their neglect and their omission they came to its commission untaught, uninstructed, and without the knowledge of their duties either to God or man.

Mr. Sergeant *Jackson* should not have trespassed upon the House, had it not been stated by the noble Lord in the course of his speech, that the system of national education in Ireland, which was brought forward by the noble Lord, the Member for North Lancashire, had been attended with the most signal success. He thought, that he should be wanting in his duty to the House, and he should certainly be wanting in his duty to Ireland, if he did not in opposition to that assertion state one or two facts. He did not know whether the noble Lord had directed his attention to the report of the committee appointed to inquire into this subject. Perhaps the noble Lord had not had time, but if he had looked into the report, he would have found, that the national education system in Ireland. instead of meeting with the most signal success had proved an utter and complete failure. [*No, no!*] Hon. Gentlemen might cry "No, no!" but he would satisfy the most sceptical among them, that the fact was as he had represented it, at least if they gave credit to the reports of that House and of the other House of Parliament. It would not be denied, that one of the main objects of that system was to unite the instruction of children of both persuasions. Now, was the noble Lord aware how many Protestant children were educated at the national schools in the immense province of Munster? He would inform the noble Lord—just 146. So that out of millions of people, in a province where there were thousands of Protestants, he had contrived to get into those schools the magnificent number of 146 Protestant children. In the province of Leinster, there were 598 Protestant children in the national schools, and in Connaught there were but 277. The grand total, therefore, of Protestant children receiving education in the national schools was somewhere about 900, short of 1,000 certainly. Now, he would ask the noble Lord if it was fair to state, that the Government plan had been attended with signal success, the main feature of that plan being to unite Protestant and Catholic children when there was only the small number of 900 and odd in those three great provinces? It appeared, also, that the schools in those provinces, were for the most part under the direction of the Roman Catholic clergy. In the province of Ulster, where the national education system was supposed to flourish, some schools were exclusively composed of Protestants, and some of Roman Catholics. Now, he thought, that a failure upon the point which he had mentioned, as it appeared, that these schools were still separate schools: One very remarkable instance of this was exhibited in Drogheda. On one side of the street was a school under the direction of some nuns, and in this school there were no Protestants. On the other side of the street there was a school under the direction, he believed, of some Protestant Dissenters, and in this there was not a single Roman Catholic. Under these circumstances, he should have been wanting in his duty both to the House and the country, if he had permitted the statement of the noble Lord to pass uncontradicted, although in setting the noble Lord right he was actuated by feelings of the most perfect courtesy towards him, and he was sure, that the noble Lord could not have looked into the report, or had not time, otherwise the noble Lord would never have stated, that the Government plan of education had succeeded in Ireland. He was quite aware, that the plan originated in the most laudable motives, and that it was a most desirable plan, if it could be carried into effect. He repeated, that the plan was extremely desirable, but it could not be carried into effect. He would take the liberty of calling the attention of the House to the course pursued by a society on which much vituperation had been lavished of late, a society with which he had had the honour of being connected as secretary for many years—he meant the Kildare-place society. It was proved upon oath, that in 1824, at a time when the Roman Catholic clergy were making the greatest efforts to educate the children of their own persuasion, there was a majority of Roman Catholic children educated in the schools of the society. He could, however, state, that even at this time in upwards of 1,000 of the schools under the care of the Kildare-place society a majority of the children were Roman Catholics. Such might not, however, have been the case but for the system which was adopted, and were those schools conducted on a better principle more Protestants might be found in them. He begged pardon of the House for taking up its time, but after the statement which had been made by the noble Lord, he felt, that he should have been wanting in his duty had he not called the attention of hon. Gentlemen to the facts which he had mentioned.

Sir *R. Inglis* could not quite approve of the course which his hon and learned Friend had adopted, and he should not be tempted to follow his example, and to carry the discussion to Ireland. He should confine himself to the scheme which had been brought forward by his noble Friend, and to the proposals to which his noble Friend had called the attention of the House. But, in the first place, he could not help expressing his satisfaction at the manner in which the noble Lord (Lord John Russell) had developed the plan of the Government in reference to this most important subject. He could not but feel, that, with the exception of one passing allusion, his noble Friend had laid the scheme of the Government before the House with great temper and discretion, and with much ability. The noble Lord certainly lost his temper for a moment, when his (Sir R. Inglis's) hon. Friend on the third bench cheered an expression of the noble Lord having reference to the Church of England. ["*No no !*"] He might have been mistaken, but he thought the noble Lord lost his temper for a short time when his hon. Friend cheered the expression "exclusiveness and intolerance," used by the noble Lord in speaking of the schools in connexion with the Church of England. He could not but regret, that the noble Lord should think it unnecessary to separate children of different persuasions at an early age, and, that he was of opinion, that they might be united in one school without any danger of receiving impressions at variance with the religion of their parents. Such a scheme he, for one, could not approve of, and was surprised, after the quotation the noble Lord had made from Bacon, and which was entirely hostile to the noble Lord's views, that such a proposal should have been made. He must, however, say, that after all they had heard in that House, and after all the tracts which they had seen on the subject, and which, if not issued under the immediate authority of the Government, were at least issued by the authority of those whose views were supported by Ministers, it was highly satisfactory to him, that so little additional mischief was to be done. He was afraid he could never praise his noble Friend for anything he did in his public capacity, but he felt much satisfaction, that the noble Lord proposed to do so little mischief on this occasion. He could not praise his noble Friend for what he had done, but for what he had left undone. For, in the first place, the noble Lord had reprobated in the strongest terms the unnational and unprincipled system of education advocated by those who admire the foreign schemes of instruction; and, in the second place, he had abandoned formally what was called the joint and comprehensive system of education, as inapplicable to England; such a system was a fallacy and an impossibility, and it was satisfactory to him, that it had been abandoned by the Government. It was a fallacy in every sense of the word, it had never been attempted in England, and was utterly incompatible with the feelings and habits of the people. It was to the advocates of such a system that they owed the confusion which existed in regard to the terms "education" and "instruction." Now, he denied, that instruction was entitled to be called education. Instruction was of high value, but he believed, that knowledge unless sanctified by religion was an unmitigated evil, and it was because of that conviction, that he should always oppose the separation of education from instruction. Religion was the main object of education, and such being the case, the question was, who were the proper persons to be entrusted with the education of the people? He held, that the Church, by her position, was the source from which the people should derive instruction, and it was only when education flowed from the national Church, that the Legislature was justified in diverting any portion of the national funds to this object. He had felt it his duty to make these observations, but still, looking to the whole scheme of his noble Friend, he was bound to admit, that while the noble Lord had not done all the good which was in his power, the noble Lord had proposed to do less evil than he had expected. The noble Lord had also proposed the formation of a sort of board, through which the grant made for the purposes of education by that House was to filter, and that body was to be composed of Privy Councillors, at the head of which was to be the President of the Council. He hardly knew whether this was to be considered an improvement, but he did not think, that there could be any objection to the plan, and he should therefore content himself with the observations which he had made. He did not think, that he was called upon to make any further objections to the scheme of his noble Friend. The noble Lord had, however, stated, that it was his intention at some future time to introduce a bill on this subject, but he (Sir R. Inglis) hoped the time would be a long one, for he was convinced, that the longer the introduction of such a measure was postponed the less would be the necessity for forcing education on the country. Much had been done within the last ten years to promote the education of the people, and he confidently trusted to see in a few years the nation pursuing a scheme of education calculated to improve the morals of the people, and reaching to every class of the community.

Mr. *Wyse* hoped he should not be considered as unreasonable or obtrusive, if from the deep interest he had taken from his first entry into Parliament, in this most important subject, he ventured, on such an occasion as the present, to trespass for a few moments on the indulgence of the House. [*Hear.*] From the first time in 1830, when he suggested in a memorial to the then Government a plan for a system of national education in Ireland; from the first bill in 1831, in which he attempted to embody that plan, and on which the present system was mainly founded, up to the report of the Committee on Irish Education of last Session, in which it was recommended to extend it, and the means and manner by which it might be so extended to the higher branches of education pointed out, thus forming a comprehensive whole, open to all classes and persuasions of the country, he had not ceased, not only to watch with anxiety the progress of this great question, but had cheerfully too contributed towards such end whatever humble means were in his power. Nor was this interest confined to the sister country; whatever natural preference he might feel in other matters, in this he could know of no distinction; he wished to see its blessings diffused far and wide through the land, without bar or ban, all entitled to it, and all enjoying it to the utmost, wherever men were called on to perform duties, or to obey laws, to maintain or deserve the advantages of a free and civilised community. With that view, he had ventured last Session, to propose to the House a motion, praying by address to the Crown, for the same arrangement if none other could be had, as that now proposed by the noble Lord—a Royal Board of Commissioners of Education, as in Ireland, until the temper of the times, and experience of benefit should admit a Parliamentary one—the wise, equitable, and efficient distribution of the fund granted by Parliament—a school for teachers, and the other accompaniments, such as inspectors, reports, &c., of a national organisation. That motion was lost, after a lengthened discussion, by a majority of two only, and from the greater diffusion of information in the interval, he had with increased hopes of success again placed it on the order book for discussion this Session. But he was glad to find, by the statement of the noble Lord, that this had now become unnecessary, the question was at last placed in the hands which should have originally guided it, and which were most bound by their position to carry it out to its accomplishment. He congratulated the friends of the cause, who had laboured long and patiently, with much to damp and little to cheer them in their exertions. He congratulated the country, which would soon, he hoped, see in its beneficial results, the best eulogy of the measure on this first forward step, however slight it might seem, in establishing, what any country but England at present enjoyed—a sound and comprehensive system of national education. [*Cheers.*] None but those, who had experienced the difficulties which opposed its progress, even to this stage of advancement, could properly estimate how much was likely to be gained if worked out in a large and honest spirit by the proposition of the noble Lord. But they who did—they who knew what it was to woo, and yet not win, the apathy of a reluctant and uninformed House of

Commons, who had to appeal in vain, for aid to a press, which with few exceptions, turned away with disdain from such unprofitable speculations, who chronicled with the accuracy of a Bow-street calendar, every miserable squabble with which parties on that side of the House, or on this, lowered the functions of the legislator, and frittered away the time and interest of the public, but passed at the same time in utter silence, a question which every other nation but our own, regarded as the most weighty which could engage the attention of civilized men, which lay at the bottom of all order, of all liberty, without which these blessings could not be—without which there could be no legislation, no justice, no community amongst men—they who knew and saw and felt, and mourned over all this, they would appreciate, and not without reason, such a commencement, though still below their hopes, attained as it had been, by no adventitious assistance, but in despite of many and great obstacles, solely from its own merits—the internal power of the great question itself. He called the proposition of the noble Lord a forward step; it presented, it was true, nothing complete, nothing adequate, but it was the first which had yet been made in a right sense—it was one which must in the nature of things be followed by others—it was one which led gradually to completion—it was one which was the pledge and guarantee, sooner or later, no matter how much it might now be opposed, to a truly national system. He was not therefore surprised to find it had been well received as far as it went on this side of the House, nor less gratified by the faint and hesitating opposition it had met with on the other. [*Hear, hear.*] The hon. Baronet (Sir Robert Inglis) had expressed his gratitude for the small share of mischief, which the noble Lord was likely to perpetrate by the proposed measure; it was pleasing to hear such a gentle strain of censure from the representative of Oxford; but he must be permitted to wonder at the strange conversion of the hon. Baronet, the measure which he (Mr. Wyse) had proposed last year, and which was honoured with such opposition, was the same measure as that now proposed by the noble Lord. Circumstances and seasons, however, have their influence, and this year, I, the present proposer am not the same as the last. The noble Lord had not introduced this proposition a day sooner than it had become necessary. This was the only country which had never had a regularly organised system: the only country at this moment without one. The noble Lord had told the House, and truly told it, that the state of education in England and Wales was deplorable, most inadequate, and inefficient—weak in quantity, weaker in quality. This had been the cry, unceasing, and almost unanimous, session after session. It came from all quarters, and all parties. It had been proved by statistics, and confirmed by philosophy. The statistical societies of Manchester, and Birmingham, and London; committees of this and the other House; reports to government; reports to educational societies; the experience of individuals; the indignant denunciation of some; the reluctant. confession of others, all had risen in one prevailing voice, against the ignorance which hung over the land. It would be unreasonable on this occasion to recall any of the many details upon which those assertions had been grounded; they had been again and again pressed on the House; and he trusted they would again and again be so pressed, until it should be roused effectually to a much more comprehensive plan, and wipe away, once and for all, as really became an enlightened legislature, the foul stain, which sufferance, which connivance at such an evil, necessarily inflicted on the English character. For the present, then, he should confine himself to results, and to those only of the broadest and most marked description. The Prussian calculations gave one-fifth, or at most one-sixth, as the proportion of children of an age to be educated, that is between the age of five and fourteen, the proportion actually under education in Prussia in the daily schools very nearly amounted to that in England, deducting the attendants on the Sunday schools, (an inferior substitute for the daily schools) and a proportion of those between two and five years of age, attending infant schools, the proportion did not exceed one-eleventh. The quality of the education was not more flattering to our national self love than the amount. Bad teachers, bad methods, a very limited circle of subjects, and those taught in the worst manner, from a wretched supply of ill written books in many cases, in the worst situations, and under the most unfavourable physical, and moral circumstances, such was the leading character of all inquiries lately made, either in or out of that House upon that subject. [*Hear, hear.*] Now what were the remedies which hitherto had been applied to these recognized evils, and how had they worked? The majority he believed had been for altogether standing still, as far at least as either the Government or the Legislature were in question. They talked about the danger of drying up the springs of benevolence, and actually imagined that the moment order or system were introduced, not only no new schools would arise, but the old would probably perish. The existing voluntary system had done little hitherto to ensure either the establishment or duration of schools. It was a tax on the benevolent, and often on the poor, in favour of the selfish and often of the rich. Others had moved a little in the way of assistance, but that assistance was very trifling indeed. They had in the abundance of their generosity gone so far as to vote 20,000*l.* a year, for the schools of a nation of sixteen million inhabitants, and in the abundance of their wisdom confided its distribution to the Treasury, that is to a body of all others, from the nature and multiplicity of its duties, and the qualifications of its members, the least likely to be well fitted for such a purpose. Was it at all astonishing that hitherto, these efforts had produced no other consequence, than the generally growing commotion of the necessity of a great deal more? Was it surprising that we had at last felt the necessity of taking the matter definitively and effectually into the Legislature's hands? The proposition of the noble Lord admitted the necessity of Government interference; it established a separate specific department under a regularly constituted system, with a minister at its head; it confided to it all the functions of a council of public instruction, inspection, reports, the application of funds, the education of teachers, the composition and publication of books to its care. It rescues education from the random mismanagement to which it hitherto had been subjected, and began the organisation of an intelligible and comprehensive system in its stead. There were two classes of opponents, he was aware, to this arrangement: those who entertained an apprehension of interference with religious opinion, and those who feared it would encroach on the rights of the subject. He confessed, he could not share in a belief of either danger. Honourable Members seemed to labour under the most unfounded illusions on both these heads. Neither in the present measure nor in that he had the honour to propose last year, were any such objects or even tendencies discoverable. He had never contemplated separating religious from intellectual instruction by his motion, much less interfering with conscientious opinions or practice in its administration. He had stated over and over again, in a manner he thought which ought to have secured him from all the misrepresentations with which he had been visited, that he (Mr. Wyse) would leave religious instruction to be conferred in the manner and by the men, whom each persuasion in each locality might consider best, without any interference on the part of Government, but that in addition to this—*besides* this, (and this was the real ground of objection) and not as a substitute for this—he would require such an amount of intellectual instruction to be given, or guaranteed to be given, in each school, as might really deserve the name of instruction before any claim could be allowed for a participation in the national grant. How was this to be secured? By not leaving, as hitherto, the distribution of the grant to two societies exclusively, but by allowing it to any school ready to comply with these conditions. For his own part, he candidly avowed, he greatly preferred united to separate education. He thought, when public funds were given, they should be given to all without distinction. He thought, without any, the least compromise of the conscientious religious opinions of either party, united education well calculated to promote habits of Christian brotherhood and national union, which, after all, ought to be one of the very first objects of all Christian and national education. Nor did he think it so difficult to achieve this most desirable object, as many hon. Members seemed to suppose. He could not comprehend why instruction should not be given in common upon subjects upon which all agreed; reserving those only on which they differed, such, for instance, as religion, for the separate instruction of their respective pastors. This was not mere theory; it was a practice in full and satisfactory operation in all parts of the continent and America. Now the different religious persuasions were intermingled. [*hear!*] The practice existed, as they had learnt, from a late interesting report, without any evil result in France, in every part of Germany, in Switzerland, in America, &c. He, (Mr. Wyse) had himself a recent opportunity of witnessing it in action in Rhenish Prussia. In that country, affected as it at present was by the religious dissensions, consequent on the contest between the king and the archbishop of Cologne, the same school continued to be frequented by pupils of both communions. He had not seen himself, nor had he heard after much inquiry from others, that there had been any interference on the part of Government, or the lay or ecclesiastical authorities, with the religious convictions of either party. On the contrary, every guarantee seemed to have been cordially given and strictly observed for mutual protection. The religious teachers were appointed by the authorities of each communion. No books were used for religious instruction, which had not received the sanction of the respective religious superiors. No scholar was compelled to attend religious service of a persuasion, to which he did not belong. There was no attempt to proselytise on the part of the teachers, and no exhibition of the polemical passion on the part of the pupils under their care. [*Hear, hear.*] A similar course, and with the same results had been pursued in Baden, in Hesse Darmstadt, in Frankfort, in Bavaria, in Saxony, &c. Nor had he seen or heard of any injurious results whatever in after life from this union of the different persuasions in childhood or youth—quite the reverse. A more industrious, orderly, moral, and religious population, it was difficult to meet, than what formed the great portion of the inhabitants of these very countries. He feared not to place them in comparison with the most chosen districts of our own land. Our manufacturers already complained of their activity. The criminal returns of Prussia, gave only one juvenile thief in 2000 inhabitants—could we say the same? The crimes of violence were even less frequent; there were few such offences as unhappily marked the calendars of England and Ireland. We piqued ourselves on our exact observance of the sabbath and strict attention to religious duties. In no country seemed there to exist a greater attachment, not only to the principles but the observances of their respective religious creeds than in Rhenish Prussia. In no country were the churches of each communion better attended, or more real piety exhibited in the hours of service, or the performance of religious ordinances than in Rhenish Prussia. He could not therefore understand why we should be so tremblingly alive to this arrangement. He was therefore entitled to believe, that there was nothing injurious in the system itself, and that any such real or supposed injury must be ascribed solely to circumstances of time and place. It was not because it was not good, but because our political and religious passions would not suffer it to work to good, that this system should be objected to. He thought, however, that these circumstances though much to be regretted, should not be disregarded, and neither now, nor when he had introduced the same measure in the House, had he insisted upon the united system as indispensable. On the contrary he had followed strictly the judicious conduct pursued in this particular by foreign countries. He had proposed to leave the matter for the present open to the choice of the locality, they might establish separate or united schools as they deemed most fit, guaranteeing in addition such an amount and description of education, as might deserve the name and justify the application of the public money. It was not the best: but this best would be more likely to be adopted, if not forced, or on compulsion. So much for the religious difficulty:—he now turned to the other — the danger apprehended from a Government Board, to the civil rights of the subject. He thought the dread entertained on this head was still more groundless. A distinction should be made between the power and functions of such bodies in despotic and in constitutional countries. Under a despotic government, like every other institution, they were necessarily the instruments of the despotism; under a constitutional government, on the contrary, they were the means which the people used for carrying more easily into effect the wishes of the people. Such bodies were necessary to work out the details of government, in each of its departments:—government was impossible without them. At the same time, he did not say it was impossible they might be abused. Every one function of the executive however exercised might be abused. All that could be done to prevent or remedy such abuse was, to provide and maintain efficient checks against it. Such checks in the present instance he was convinced existed. He could not conceive any government Board, could long or flagrantly abuse its trust in a country like this, with a Legislature constantly ready (and never more ready than in the present balanced state of parties), to call it to account, with a public press vigilant beyond example and a public opinion speaking fearlessly through that press, whenever circumstances required it. But however this might be, it was not from this House such objections were to be expected. They had already not only assented to the principle, but actually carried it into operation. They had already granted every year for these five years past—public funds on certain conditions to schools; thus recognising the right and duty of Parliament to intervene in the encouragement of education; and had confided the distribution of these funds to the Treasury, thus constituting a government Board for the exercise of these very functions. The only question, then, seemed at present to be, whether the Board just proposed, was as fitted for such purposes as the Board already employed; the Board of the Treasury. For his part he could not for an instant hesitate between them. The Treasury he had always considered, and he had taken every opportunity of expressing this opinion, was of all other bodies, the most unfitted, for a Board of education. It was a province, to administer which, with any pretensions to utility, required some study, some experience, no small degree of leisure, very various endowments; were these conditions to be expected, did they actually exist in the Board of the Treasury? Giving them every merit the Members might choose to claim for the discharge of their public duties, he could not admit, that they possessed the knowledge, time, or peculiar talents, required, for men who were to be intrusted with the education of the country. Schools for teachers were to be established, books were to be composed, inspectors appointed, reports examined, and a variety of other duties fulfilled, to which without any disparagement they could hardly be considered competent. Facts justified these conclusions. Whilst the application of the annual grant remained in their hands, it did not appear from the returns he (Mr Wyse) had moved for last year, that they had once appointed an inspector. They had intrusted the inspection to the two societies; but he had distinctly shown from the evidence of the secretaries of each society, that the societies themselves had never had a regular body of inspectors. A minute of the Treasury had indeed subsequently endeavoured to remedy this great omission, but it did not appear with very remarkable success; up to this hour, no inspection existed on the part of the Government, that is, the first of all securities, for the proper application of these education funds had not yet been established. As to the other duties, they seem never to have been thought of. Ten thousand pounds allocated for the building of a normal school, remained unemployed. The composition of books had not even been contemplated—no report beyond the mere number of scholars, and other more material circumstances, had ever been laid upon the Table of the House. The board now proposed to be substituted, had at least this advantage, that it would not, like the Treasury, be engaged with any other object besides education, and with any other object more than education, but with education and education alone; it would have for its president a obleman who had deeply interested himself in its progress for many years, of extensive experience, high in official station, high in the estimation of the public; its other members it was to be hoped, would be chosen with due regard to competency, character, and as much as might be in harmony with the feelings of the several classes and sects of the community. The being chosen from the list of Privy Councillors, did not necessarily limit the choice to Government officials. He confessed, he should prefer to see them, if possible, removed far beyond the circle of political influences, not liable to their passions and changes; permanent officers, unexposed to all the consequences, the risks, fears, temptations, and compliances of Ministerial contingencies. In no one department was system, uniformity, and continuity, more essential, than in that of Education. It could not be expected, that the public would give its confidence to any system which to-morrow might become not only of a different, but of a totally opposite complexion. He had no doubt that such a body, if properly formed and intrusted with sufficient powers, would enter on its duties with far more vigour, sagacity, and utility, than any which hitherto had preceded it. The very first result of its existence, he trusted would be the establishment not of one, but of many efficient schools for teachers. The event was now recognised from one end of the empire to the other [*Hear, hear.*]. Good teachers, and good schools. We had hitherto been taking count, not of good schools, but of good school-houses [*Hear, hear.*]. He was not prepared to say, whether the plan submitted by the noble Lord, was the best, or if the best in theory, the most easy to be reduced to practice. A different course had been pursued, indeed had been found necessary to pursue in Prussia. That however depended upon circumstances. Establishments in which pupils were to be boarded and lodged, were obviously to be regulated on different principles from those destined for day scholars only. One thing, however, he considered an essential condition to the efficiency of such institutions. The honours and emoluments to which they were to lead, must be of such a nature, and so secured, as to render it worth the while of a pupil to expend time, labour, and money in preparation. Unless the pupil were required to pursue a really solid course of studies, and for such time as might be found necessary, he must say he could anticipate very little advantage from such an establishment. This could not be expected, unless the position and profession of the teacher were raised. Higher salaries, and better secured than what now was usual,should be given; promotion should be held out for superior merit; superannuations should be assured for long and faithful services [*Hear*, *hear*]. The teacher should be elevated in his own esteem, and in that of the public. But he had detained the House too long; he felt, he had no excuse to offer but the great importance of the subject and the gratification he felt at this first effort towards something approaching system and organisation. He should, of course, have much preferred a bill constituting a Parliamentary commission or Board, with a minister of instruction at its head, with minutely defined but comprehensive powers, extended to every branch of education. He should like to have seen the whole plan quite as fully developed as in the codes of other countries, none other could merit the name of a really national system, the government with their board on one side, the people with their local committees on the other, each a check, but each also an aid combining with and assisting the other, the board empowered to apply the parliamentary grants, for the building and outfitting; the people empowered to assess, for the support of teachers—the whole under the solemn sanction of the law, and secured from all wishes of change, by the national will expressed through the Legislature. But this for the present he believed unattainable. All that could now be done was to take a royal commission or Board, as had been the case in Ireland, and to wait till a Parliamentary one, by Bill, could be looked for with some chance of success, from the Houses of Parliament. If we could not have the best, let us at least take the best which our fears, our prejudices, our passions, our discords, religious and political, would at present suffer. Time and experience might do more to dissipate these obstacles than the strongest argument; the most profound wisdom, the most glowing eloquence under present circumstances. Let men see, feel, and quietly convince themselves of their errors. Such was the feeling, and such was the course, in consequence of such feeling, that he (Mr. Wyse) had felt himself compelled to submit to his motion of last year. The noble Lord did not think the country then urged even for this amelioration, he had since, inquired more deeply and had found reason to alter this opinion. He was glad of it, he hoped it would be only a commencement, and that next year he would find reasons equally strong to go much further. Crime had not diminished, and means of punishment had been found ineffective; our prisons corrupted as much almost as they reformed; our transportation law, and practice (to judge from a late most able Report) was, so far from being the remedy of crime, a series of crimes and iniquity in itself. In such a state of things, we were imperatively called on to go deeper than we had ever yet done, and instead of laboriously devising expedients to punish guilt, but, at the same time, allowing all its producing causes to continue in their full vigour, we were required to attack and conquer, and extirpate the cause, whilst it was weak and thus render crime rare, and punishment comparatively useless. This, he was thoroughly convinced could only be effectually achieved through a general and sound system of education. If we could secure the man, we must begin with the child. We must not argue, as was too frequently the case, from what we now saw around us, of the effects, generally speaking, of education. No; the present generation, with their follies, defects, and vices, was the creation, not of present education, (defective as it might be), but of an education still more defective than the present. We were reaping the bitter and bad harvest of the ignorance and negligence of our predecessors. How much more earnest then, ought we to be, we, who more accurately and sensibly estimated these evils, and had the means, ample, and certain of preventing them, in our hands—to protect our posterity from their infliction. He again expressed his wish, that the noble Lord could have made his measure more comprehensive, but regarding it as the first stone of a national system, the full completion of which he yet hoped to see; looking upon it as the first evidence given by Ministers in that House of a disposition to take up a question second to none in importance—a question which had engaged his attention for a long period, and which he had never ceased urging on successive Governments, and Parliaments, for eight successive years, he could not refuse (though much below his conception of what a truly national system should be), the small tribute of his approbation, to the proposition of the noble Lord.

Lord *Ashley* wished to ask the noble Lord whether it were the intention of Government to continue the grant of 20,000*l.* hitherto made annually, for the building of school-houses. Not being in the House when the noble Lord commenced his statement, he had not the advantage of hearing all the remarks which the noble Lord made with respect to some observations which fell from him (Lord Ashley) at a public meeting over which he had recently presided. He would only now remark, that whenever the proper time arrived, he should be prepared to reiterate every one of those observations, and to support that plan of education which he thought the wisest and best. If he abstained from saying anything upon the present occasion, (deeming it to be an inconvenient one), he hoped he should not be considered as bound to an approval of the noble Lord's scheme, which, with its privy councillors, its books, its normal schools, and teachers, appeared to him to be full of the most alarming mischiefs.

Lord *John Russell,* in reply to the noble Lord's question, stated, that it certainly was not the intention of Government to propose another grant of 20,000*l.* for the erection of school-houses. It would be a matter of consideration whether there should this year be any grant for that purpose or not.

Mr. *Gladstone* wished to know, whether the proposed board of education was to be composed entirely of persons unpaid, and at the same time holding other offices. He understood the noble Lord to state, that it was to be composed of privy councillors; but he did not distinctly understand, whether they were to be persons actually holding other offices. There was one other point also, a point of much greater consequence—a point of the most vital importance—upon which he wished to be more clearly informed. The noble Lord had given no intimation whatever as to the rules by which the proposed board was to be guided in the distribution of religious instruction. Indeed, for anything that the noble Lord had stated, it was possible to suppose, that schools might spring up under this plan in which no form of religion whatever should be taught. Such a supposition became the more feasible when the plan was found to receive such unqualified support from the hon. Member for Waterford (Mr. Wyse), who was known to be an active member of a society recently established in this country, entitled, "The Central Society of Education," the general object of which was supposed to be to attain, whether by direct or circuitous means, the universal establishment of schools, in which the business of religious instruction should be kept wholly apart from the business of general instruction. He should also be glad, if the noble Lord would inform him whether, as related to the schools proposed to be established, the board would be free to make grants of money from whatever sums the House might determine to appropriate to the purpose of education?

Lord *John Russell* said, that the board would be constituted entirely of persons holding other offices and receiving no salary. It would, no doubt, be competent to the Government to change the members of the board; but, in that case, though persons holding no other office might be placed upon it, no salary would be paid. With regard to the other question asked by the hon. Gentleman, he did not anticipate that the board would have any funds from which to make any allowance to schools. If there should be any vote of money to the British and Foreign School Society, they might make an appropriation of that sum; but he did not think that any vote of the present year would place a fund at their disposal.

Mr. *Gladstone* observed, that at present a sum of money was annually voted to aid the building of school-houses. He wished to know whether the new board of education would be free to make grants of money, in aid either of schools or school-houses, in which schools or school-houses any form of religion, or no form of religion, might be taught.

Lord *John Russell* repeated, that he did not anticipate that any sum which might be voted this year would be applied either in aid of schools or school-houses. The only available sum would be part of the grant voted in former years in aid of schools under the guidance of the British and Foreign School Society. If it were intended to appropriate any of the public money to any other class of schools, he should think it necessary to make a statement to that effect in bringing in the bill.

Mr. *S. O'Brien* expressed his general concurrence in the plan of education proposed by the noble Lord. He regretted but one thing—that the amount of the proposed grant was so miserably small. A grant of 30,000*l.* a-year to meet the deficiency of education in this great and populous country was absolutely ridiculous. He hoped that the noble Lord would be prepared to propose a vote of at least 200,000*l.* for this purpose.

Mr. *Goulburn* expressed a hope that the noble Lord would lay upon the Table the definite rules which were to govern the board in the distribution of the funds to be applied to the purposes of education.

Viscount *Sandon,* alluding to the normal schools which it was proposed to establish for the education of teachers, begged to know what guarantee was given for the nature of the religious instruction to be given in those schools?

Lord *John Russell,* in reply to the observation of the right hon. Gentleman, the Member for the University of Cambridge (Mr. Goulburn), stated, that he wished to have as early an opportunity as possible of stating to the House, the general view which the Government took of the subject, because much misconception at present prevailed upon that point. The House would not be called upon to consent to any vote of money without being informed of the exact course which Government intended to pursue. The noble Lord, the Member for Liverpool (Viscount Sandon), had asked him how the doctrines of the Church of England were to be guaranteed in the normal schools? That undoubtedly was one of the points upon which the board, when formed, would have to deliberate. He supposed that there must be a clergyman of the Church of England to teach the doctrines of that Church.

Sir *R. Peel* thought it of the greatest importance, before the House was called upon to give any vote on this subject, that these points should be settled—that the House should be placed in possession of distinct information as to the principles upon which this board of education would be guided. For observe, if the House made the vote merely upon an understanding that hereafter the board should decide in what way the system of education to be adopted should be made to accord with the principles of the Church of England, they would be leaving to the board the widest possible discretion. No doubt, the proper time for discussing this point would be when the proposal was made for the grant of money. It would then be perfectly open to the House, if it thought the discretionary power extended to the board too great, to take the course which he, under such circumstances, should decidedly take, of objecting to the grant altogether. He had not expected that the noble Lord would upon that occasion have entered into any exposition of the views which the Government entertained upon this subject, because the noble Lord's notice indicated nothing more than the presentation of papers. The noble Lord's statement, therefore, had taken him by surprise. He had listened to it with the utmost attention, and confessed that he feared the plan it unfolded must be open to much greater objection than would appear from any thing contained in the statement itself, but which was to be inferred from the ready assent given to it by several hon. Gentlemen who entertained views upon the subject of education generally, from which he totally dissented. The noble Lord proposed to establish a board composed exclusively of persons holding other official situations. He should entertain doubts as to the policy of giving to a board so composed of official men, and therefore necessarily party men, any general superintendence or controlling power over a matter of so much importance as a system of general education. The hon. Member for Waterford (Mr. Wyse), in giving his assent to the proposed plan, said it was entirely satisfactory to him. Another hon. Gentleman speaking from the same quarter of the House, also declared that he was perfectly satisfied with it; nay, even went so far as to suggest a grant of 200,000*l.* a-year, to be placed under the control of this board. He would only observe that the grant of such a sum would at once have the effect of giving to the board a controlling power over the system of education to be adopted throughout the country. The noble Lord in the first part of his speech, combated a number of objections, which he had never heard made. The noble Lord appeared to be labouring under an apprehension which, as far as he was concerned, was entirely without foundation. The noble Lord told the House that at the period of the Revolution, and upon the accession of the house of Hanover, the liberty of education had been disputed by a party in the State; and the noble Lord seemed to imply that there was a design on the part of some party in the State at present disposed to interfere with the freedom of education. The noble Lord appeared to labour under an apprehension that there were persons who intended to propose that the Established Church should have some power over the education of the people, and that the people, though dissenting from the Established Church, should be compelled to receive instructions in its doctrines. He could only say for himself, that he should offer the most strenuous opposition in his power to any plan that would violate the perfect liberty of education. At the meeting at which he attended, it was for this that they contended —that they (the members of the Established Church) should enjoy the same benefit of liberty of education which they were content that others should enjoy. This they claimed to themselves the perfect right to do—to form societies and to establish schools in connection with the Church, and to insist upon it as an essential condition of the education to be given in those schools, that the children instructed in them should be brought up in the principles of the Established Church. I hope (continued the right hon. Baronet) the noble Lord does not dissent from this proposition. We claim for ourselves that right which the Roman Catholics exercise, which the Dissenters of every class exercise, and which it is perfectly just that they should exercise, namely, that education being free, and liberty of instruction having been established, we, the members of the Church of England, should enjoy that liberty for ourselves which we readily concede to others. At the meeting at which I attended these were the principles which were contended for. The noble Lord appeared to apprehend that the House of Commons was inclined to restrict the vote for education exclusively to instruction in the principles of the Church. Now, I apprehend, that when the noble Lord, in the course of last year, proposed a grant of 20,000*l.* to be distributed by the Treasury, it was perfectly well known to the House of Commons that instruction in the principles of the Church of England was not an indispensable condition in the distribution of that grant. I believe that that was fully understood by the House; and after the assent which was given to that grant, and the little opposition it received, I must say, that those apprehensions which the noble Lord seemed to intimate to-night, and which, judging from the harmony that has prevailed among the Gentlemen opposite, have given such universal satisfaction to his supporters, do appear to me to be rather groundless. For, in the grant of last year, the House of Commons had assented to this principle—namely, that they were prepared, upon certain conditions, to grant public money for the construction of school-houses, in which school-houses an exclusive education in the doctrines of the Church of England should not necessarily prevail. What, then, is it which has raised these apprehensions in the noble Lord's mind. It must be an apprehension, either that there is an intention on the part of some to refuse a grant this year on a similar principle; or, what is still more improbable, a determination on the part of others to compel the education to be in accordance with the principles of the Established Church. Whether there be any such intentions I know not, but I confess I never heard that any such were entertained before in this House. Now, I wish to ask the noble Lord, whether this board, composed of privy councillors and other persons, is to discharge these functions, which the Treasury has hitherto performed with respect to the appropriation of these funds? I believe hitherto the principle of the grant has been this — that you wanted to encourage that which, after all, it is of the utmost importance to encourage, namely, voluntary, local exertions for the purposes and promotion of education. That was the pervading principle of the grant. You said, " We will not take upon ourselves exclusively the charge of the education of the poor; but we will encourage those who have a local interest in the prosperity and peace of the country, in the protection of property, and in the moral improvement of their fellow creatures; we will encourage them by making advances from time to time to those who exert themselves, proportioning the amount of those advances to the sums raised by them." I hope you do not mean to deprive these persons of the benefit of that principle; but if you adhere to it, do you mean that the Treasury shall still have the distribution of any portion of those funds or that the new board is to discharge the duties which are at present performed by the Treasury? The noble Lord, in answer to the question put to him, said—supposing no vote should be made for the British and Foreign Education Society; but he said nothing of the National Education Society—[Lord *John Russell* it was forgotten.] I am very glad to find, that it was an unintentional omission on the part of the noble Lord. I do hope that if there is to be a public vote of money, the National Education Society will not be excluded from the benefit of it. The question, then, which I wish to ask the noble Lord upon that head is, whether the Treasury is to exercise any control over the appropriation of the fund, or whether that appropriation is to be placed in the hands of the new board? With respect to the normal schools—my noble Friend has asked a question upon that head which I consider to be of the utmost importance. The noble Lord certainly said, that there were instructors to be brought up in these schools who were to be exclusively instructed in the principles of the Established Church previously to their going forth to the different schools in the country; it is therefore of the utmost importance to ascertain precisely what is the principle upon which the system of education is to be conducted. Of course I infer from the noble Lord's speech that other instructors of youth, professing other doctrines than those of the Established Church, are to be educated in the same normal schools; it becomes also important, therefore, to know upon what principle their education is to be conducted; and generally as a religious education is to be given in these normal schools, it is likewise important to know upon what principle it is to be conducted where it is evident the instructors may profess different doctrines. The noble Lord anticipates very great advantage from instructing children in certain mechanical arts in these schools. I am afraid, that disappointment will be the result of any such experiment. A proficiency in any trade can, I think, be only acquired by the closest application to that trade. This must give the learner an immense advantage over those instructed in schools, and in fact the only way in which an expert workman can be trained, is to bring him up in the profession which he is afterwards to pursue. I did not exactly understand the noble Lord with respect to that part of his plan which refers to parochial assessments. I apprehend the noble Lord will find some difficulty in introducing that principle. I cannot conceive how he will obtain its adoption. The first question in the parish will be who is the master, and what is his religious profession. The noble Lord very justly said, that there is such a difference of opinion throughout the country upon this subject at present that he thought it was better that the Government should not interfere. Now, so strong is my impression that the same principle must be applied to parishes as to the government and the state, that I think the noble Lord must not attempt to introduce the principle of compulsory assessment into parishes. Where the dissenters form a great minority, and the rest of the inhabitants of the parish are members of the Established Church, I cannot believe, that the system of compulsory assessment will give satisfaction to the dissenters, or that they will submit, in cases where the members of the Church preponderate in the vestry, to a tax imposed by them for the support of these schools. I hope the noble Lord will also pause before he gives any control over the education of the people to the Poor-law guardians. It appears to me that the duties which devolve upon the guardians of the poor are sufficiently onerous. I trust the attention of the guardians will be continually given to the schools; but I hope the noble Lord will take care, first, how he over-burthens them with functions; and, secondly, how he gives to them functions to perform other than those connected with the discharge of their duties as Poor-law guardians; and, lastly, I hope the noble Lord will take care that he does not expose them or the law to unpopularity on account of any unnecessary interference with education. I believe the noble Lord disclaims all direct interference on the part of the Government with the established schools, or that the Government should have any direct superintending power over them. But, while it is satisfactory to hear that disclaimer on the part of the government, I fully reserve to myself not only the right of negativing any grant that may be proposed, but also the power of giving the most mature consideration to that part of the noble Lord's plan which vests in the Government the power of superintending, however indirectly, the general education of the people. I, for one, am deeply convinced of the absolute necessity, and of the moral obligation, of providing for the education of the people. But I am, at the same time, perfectly convinced that that can only be effectually done in this country, where so much religious dissent prevails, and that it is infinitely more likely to be done without disturbing the good understanding and the existing harmony between the professors of different faiths, by leaving it to the voluntary exertions of the parties themselves and by permitting each to educate his children, as he at present is at liberty to do, in the principles of that faith in which they were born. I cannot help expressing my confident belief, that the Church of England is now awakened to the absolute necessity—not by force, not by compulsion, not by interfering in the slightest degree with the principles of perfect religious freedom, but awakened to the absolute necessity of assuming that position which she ought to assume, in constant and cordial co-operation with the landed proprietors, and other influential classes of this country, and, that the only satisfactory way of having a system of education —which ought to be founded upon the basis of religion—in this country is, for each party to act for themselves—imposing no restriction upon others—but, above all, that the members of the Establishment, whether lay or clerical, shall not be ashamed of insisting, that, in their education, the doctrines and principles of the faith which they profess shall be an indispensable condition to any voluntary system of education introduced among them.

Lord *John Russell:* in respect to the question which the right hon. Baronet has asked—namely, whether the sum which may be voted by this House for building school-houses for the National Education Society are to be under the control of the Treasury or of this new board?—my answer is, that while we are placing other subjects of the same nature under the control of the board, the disposal of this grant would likewise come under its direction. The right hon. Baronet seems to think, that this is a point of some importance; but I do not think it is, because the Treasury, after all, consisting as it does of none but official persons, their disposal of the grant must be with the consent of the board of Education. At present the appropriation of the grant was very much in the hands of those two societies, which pointed out the mode by which it could be most advantageously employed. The mode in which it was disposed of hereafter would necessarily be according to that which the National Education society, and the British and Foreign School Society, pointed out as the manner in which the greatest possible instruction could be given. With respect to the plan itself, I must say, I did think it necessary to make some general statement, even although there were several matters upon which no definite resolution had been arrived at, because I certainly saw, that if the discussions which were going on upon this subject, throughout the country, were allowed to continue without any sort of explanation on the part of the Government, there would soon have been established in the minds of the people some proposition concerning it; and if that proposition were the most objectionable that could be made, it would soon have been given out as the proposition of the Government. In such an event it is well known how very difficult, in the end, it would have been, to contradict that proposition. We know how very easy, and how very common it is in these days to give out, that certain things are about to be done, and that afterwards when it is found, that nothing of the kind was ever even in contemplation, how ready persons were to exclaim,—"Aye, it was our opposition —it was our objections that prevented it!" Such was my reason for having entered thus early into a statement of the plan which the Government intended to submit to the House. It certainly must be some time before any vote can be proposed to this House upon the subject; and, undoubtedly, the right hon. Baronet, as well as every other Member, is fully at liberty to declare his dissent, if he think proper, to any proposition contained in the estimates. The right hon. Baronet has used the expression, and I think a just expression, that the Church is awakened on this subject. I rejoice, that there is now so much zeal shown upon the subject of education. I may doubt, perhaps, whether so much zeal would have been shown if there had not been in some other quarters—I do not say the Government, but amongst other portions of the community—a disposition evinced to forward this subject of education. I must certainly be permitted to doubt, whether, if there had been no such changes as we have seen of late years, there would have been any further exertion on the subject of education than we saw during the very long period of years, when those who assumed to themselves to be exclusively the friends of the Church had the almost unopposed management of public affairs. While seeing with very great pleasure the exertions that have been recently made, and learning with equal pleasure, that there is an awakening upon this subject on the part of those who certainly have been slumbering a long time, still I do entertain—groundless as the right hon. Baronet may think them—some apprehensions with regard to the manner in which this newly-awakened zeal would be exercised, if there were no suspicions timely aroused as to the possibility of its being abused and perverted to ends very mischievous; because I, in common with others, have seen theories propounded, and have seen doctrines advanced in respect to the state of the Church, which I certainly think, if pushed out to their full consequences, would in the end establish that which the right hon. Baronet says he should oppose, namely, a system by which the whole education of the people would be placed in the hands of the Church, and by which none but members of that Church would have the right of partaking of that education. I do not indeed believe, that even if it had not been the fact, that a great portion of the people were alive upon the subject of education, founded upon the principles of religious freedom, any such consequences were likely to have happened; but I do think if public attention had not been called to it, there might have been reason to apprehend some very considerable innovation upon a subject which seemed to have been settled both by law and by the general grants of this House, which have taken place of late years. I certainly do entertain in some degree these apprehensions; and therefore I stated them. But I trust, that the general feeling of the House, whether the plan of the Government be approved of or not, will be decidedly in favour of freedom of education.

Mr. *Briscoe* begged leave to call the attention of the House to the state of religion and education in the remote parts of the country. He hoped that some alteration would take place on that subject, and that the most necessitous parts of the country would not be the most neglected.

Papers to lie on the table, and be printed.

IMPROVEMENT OF THE METROPOLIS.] Sir *Matthew Wood*, pursuant to notice, moved for the appointment of a Select Committee to take into their consideration the several plans for the Improvement of the Metropolis, concerning which reports were made to this House in the years 1836, 1837, and 1838; together with any other plans for the same object which they might deem deserving of consideration, and to report their opinion as to the expediency of adopting any of the said improvements; and also as to the best means of carrying the same into effect.

Sir *Robert Inglis* said, that it had been insinuated that the re-appointment of this Committee was for the purpose of ascertaining what their construction was of the Act of Parliament relating to the improvements of the avenues leading to the new Royal Exchange. To this he strongly objected. The law officers of the crown were the proper persons to construe an act of Parliament for the guidance of the Government. If, therefore, the re-appointment of the Committee was not necessary for the purpose of carrying out the general improvement of the metropolis, he hoped the House would not consent to the motion.

The *Chancellor of the Exchequer* said, if the meaning of his hon. Friend was, that he (the Chancellor of the Exchequer) had suggested the present motion, he begged distinctly to disavow it. If it had been his object to revive the Committee, he would have been himself the person to make the proposition to the House. The motion was made without any knowledge on his part. He knew nothing about it until he saw the notice on the paper. At the same time, he should be guilty of concealing half the case if he did not state to the House, that if the hon. Baronet (Sir Matthew Wood) had not proposed to renew this Committee, he, for one, should have done so, with the direct object his hon. Friend (Sir Robert Inglis) had mentioned, and upon which he had declared it to be his intention to oppose the motion. He would not now go into a consideration of the case of the Royal Exchange. He had taken the earliest opportunity of laying on the table of the House, a copy of the correspondence which had occurred on the subject; and there was no part of the question which he should not be prepared to explain, if, after hon. Members had read the papers, they should entertain any doubt respecting any portion of it. But what he was anxious about at the present moment was, to guard himself, in the judgment of the House, from the supposition that he had prompted the hon. Alderman to take a step which he was himself unwilling to take, for the purpose of obtaining, under the cloak of this motion, an interpretation of an Act of Parliament. The papers respecting the transaction relating to the Royal Exchange having been so short a time before the House, it would be premature for him to enter upon the subject. But if the Committee should be re-appointed, he would submit to the House, whether it would not be proper to refer the Commissioners to the Committee, not with a view to obtain from them a construction of an Act of Parliament, but to ascertain whether a due consideration of those papers did not show, that the Treasury had acted upon the distinct understanding that the report of that Committee, as communicated to the Treasury, through the House, would be adopted.

Captain *Wood* said, if the expense of improving the avenues to the Royal Exchange was to be defrayed by a tax, why was not that tax openly proposed in the House, rather than sought for by means of a Committee?

Sir *Robert Peel* saw no objection to the re-appointment of the Committee, nor did he know of any objection to refer the papers relating to the Royal Exchange to them. At all events, considering that several gentlemen had gratuitously devoted their time to the devising of plans for the improvement of the metropolis, he thought there could be no objection to further consideration being given to those plans, especially as they would not be in the slightest degree committing themselves as to the question whether there should be any tax or not imposed on account of those plans. It was possible, that the hon. and worthy Alderman might propose some other tax, besides a tax on coals. Probably he had some scheme in reserve. The only object which the Committee would have to consider was, the means of improving the metropolis, and of facilitating the communication between the different parts of it. The latter was a point which we had always been much more apt to neglect than the other great cities of Europe. He hoped, therefore, the House would not throw any obstruction in the way of further considering these plans.

Committee appointed.

ADMINISTRATION OF JUSTICE (SCOTLAND.)] Mr. *Wallace* rose to move, in pursuance of notice, that a Committee be appointed to inquire into the mode of administering justice in Scotland. In bringing under the consideration of the House this very important subject, he should endeavour to do so in a manner that would divest it of anything that could possibly admit of its being construed into a political question. The judges of the Scottish courts were pretty nearly equally divided in political opinions. He desired no other Committee but such as would give a pure and disinterested decision upon the questions which would be brought before them. He understood that an opinion prevailed, that questions of this kind ought not to be submitted to the consideration of a committee, but that it should be left to the government to point out and prescribe such rules as were sufficient, and effect the changes necessary in the jurisprudence of the country. In the year 1834, an hon. Member obtained a committee to take into consideration the amount of salary to be paid to the judges in the courts of Scotland, and also to inquire into the nature of the duties of those judges. Here, then, was a precedent for his present motion. He meant to bring under the consideration of the House the present state of the court of session, of the jury trial by that court, of the trial before the court of appeal, the mode of trial before the justiciary and general courts, and the mode of proceeding in the criminal and civil courts, and also in the court of teinds. But before he drew the attention of the House to the first point that he had mentioned, he wished to observe that there was, no doubt, over all the land an anxious desire for an alteration and for an improvement in the administration of justice; it appeared that small debt courts were to be improved, and they were also led to understand that local courts were to be introduced. In the City of London there were many small courts, which did great credit to the persons presiding in them, and the administration of justice therein was so acceptable that he hoped to see their principle extended. He would on the first point then, refer the House to a speech of Lord Grenville, delivered in 1807 in the other House of Parliament, of course, on the Scotch Judicature Bill, in which his Lordship pointed out the evils of the then system.* He knew that it would be contended that since 1807 a great alteration had taken place, and that it would be said, that many improvements had been since made in the court, but this he denied. There had, indeed, been many alterations and some improvements, but lieges in general who were plundered of their money, and whose time was wasted in 1807, were now quite as much plundered, and had their time now wasted. He would challenge the hon. and learned Gentleman opposite to deny this, and if he did he called upon him to venture before a committee. Lord Grenville went on to complain that the Table of the House of Lords was loaded with appeals, the greater part of which were from the court of session in Scotland, and it was now equally well known that there were now annually before the House of Lords more cases of appeal from Scotland than from all the rest of the two other countries. To what was this owing? It was because they had no such thing as a responsible court in Scotland. No judge was responsible for any opinion he might give, and, consequently, he was not forced to apply the law under such responsibility to the cases brought before him. Nay, the opinions of the judges often differed, and sometimes out of the thirteen judges there were six one way and seven the other. This was strictly the fact, and no man who went before the supreme court would doubt the truth of what he was saying. And in his opinion the Government would never be able to effect a perfect system till they undertook to introduce a code of laws for all the three countries, which would unite the best part of the laws of each. To one other point of Lord Grenville's speech he wished to call the especial attention of the House. His Lordship complained of the use of written evidence and pleadings, to the exclusion of all other, and he declared that at that given period it was almost impossible to persevere with written and printed pleadings. But this had been continued notwithstanding, and one of the best authorities had stated that "evidence taken in writing was not evidence at all; that it was words only, and not evidence;" and unless the witnesses were present before the judge, unless the court could form an opinion of the countenance and the manner, it was not possible to form a correct estimate of the value of his testimony. They, in Scotland, knew nothing of *vivâ voce* evidence; everything was done by commission; the commission was issued, the witnesses were examined, the testimony was written down and it was sent to the judges, and it was entirely at their discretion whether it was read or not. He said, that it was so; for it was impossible for any one to read the whole of the quantity of trash which was written down for evidence; in short, no good would be effected till the witness was brought face to face with the counsel. He would be glad to know of the learned Gentleman opposite (the Attorney-general) why the bar of Scotland was not as competent as the English counsel to examine a witness. He believed, that there was no reason for the continuance of the present Session, except the continuance of a prejudice, that where there was a great number of judges there was a great quantity of justice. He believed, however, that the direct contrary of this was the fact—that it was rather, the fewer the judges, the greater the justice. Lord Grenville also said, that the system was the more imperfect from the want of a clear distinction between the law and the fact. What would learned Gentlemen in England think if the judges were judges of the law, of the fact, and of equity? He hoped, that the hon. Member the newly appointed judge in that House, or, as he did not see the other judge present, he trusted the hon. and learned Member for Dublin would say whether a judge could properly determine the law, the fact, and the equity. This evil was increased in Lord Grenville's time by the large number of judges—fifteen; for there were fifteen judges then, but there was a devil's dozen now. Nothing, said Lord Grenville, was more conducive to the due administration of justice than the clear distinction of law, and of fact; that the facts of a case should be brought to an issue of fact, and that the law as applicable to those facts, should be clearly distinguished; that thus confusion would be avoided, and the law and the facts of each case being clearly pointed out, justice would be administered with clearness and precision; but then "no care was taken to separate the facts from the law." He asserted, that such was precisely the state of things now; there was no difference between the period when Lord Grenville, in 1807, delivered his beautiful and true speech, and the present time; the state of things was now precisely as it was then. He felt much difficulty in proceeding to the next observation, with regard to the mode in which the court of session was at present constituted. There was no man in the House more unwilling than himself to say anything to hurt the feelings of any individual, but he could not avoid doing so, if it were necessary, in the discharge of his duty as a Member for a place in Scotland; the condition of many of the members of the supreme court was such as to render them in some measure unfitted; the extreme age at which some of them had arrived, the infirmities with which it had seemed fit in the wisdom of the Almighty to afflict others, reduced the number of the judges in that court from a state of efficiency to one which was very far from being effectual. There was not one individual presiding in that court who did not deserve the public sympathy for his high attainments and for his great public virtue; there was not one of whom one disrespectful word could be spoken, and he would not, in the slightest degree, act otherwise than respectfully to them, nor would he allude to them otherwise than in the discharge of his duty. But it was his business not to conceal from the House, that the heads of the supreme court were, from circumstances, some of them of a late date in a state not fit to be the heads of cour s. An infirmity of a heavy nature afflicted one, whilst another was also visited with severe illness, although he sincerely hoped, that it would only be of a temporary nature. What, however, had this judge done? He had appointed a person to officiate in his absence—than whom no better man could exist; but he had, he believed attained the age of 90, or thereabouts. [*An hon. Member:* He was 80 last birthday.] He might be mistaken as to the exact age, but even if he were eighty was that a time of life for a man to be appointed as the substitute for a judge? The judges altogether were of extreme age—their age varied from, as he believed, ninety or not much less, down to sixty-five or sixty-six years. There were no young men on the bench in Scotland, and, therefore, it was, that he said, that if they had fewer judges, they would have a better system, and that they ought to have more efficient men. More upon that point, he would not state, except to remark, that it was not from great attention, or great labour, that these learned men became so little efficient. The supreme court only sat 104 days in a year, and the volume he held in his hand contained evidence, that they did not sit on each of those days more than one hour and a half or two hours. He would put it, therefore, to the learned Gentleman (the Attorney-general) whether this was such an attendance as ought to be expected. He believed, that the judges in England sat for ten months in the year, and why should they not sit the same time in Scotland? They had in Scotland at least as wholesome a climate,—the air was even more bracing, and there could be no harm if the judges in Scotland also sat for the ten months. He held in his hand two returns, both for the year 1836, which would exemplify this—one was from the courts of common law at Westminster, and the other from the court of sessions in Scotland, which, for the same period, allowed of a striking contrast. In the courts at Westminster there were 95,964 causes set down, of which 43,321 were in the Court of Queen's Bench alone, and the number of litigated causes were 16,000. He then came to the return for the courts in the other part of the kingdom, and he found that there were in the year 1836, before the five lords ordinary 1,707 causes of reclaimed notices in the inner house 456, and of proceedings chiefly formal only 1,734, making a total of 3,960 for thirteen judges. There was the difference between ten months and three months' work. He came to the next branch of his subject, and the House would be astonished to find, that such was the wisdom of the thirty-two sheriffs, such was their sense of justice, and such was their respect for the proceedings of that House, that in spite of the clauses in the act which had passed that house relative to the acts of sederunt, it was now quite possible for no less than forty-three papers to be presented in one cause. He had last year procured returns which made an exposure which would not otherwise be believed. Those returns had been reduced to figures, so as to give a numerical result, and the facts which they demonstrated were most extraordinary. He took the amended return of the sheriffs of Renfrew, and he found that the average endurance of an action (all short actions—those terminated within a year being excluded) was 1,193 days, or a cause was, on an average, three years and ninety-eight days before the Court; and this after an Act had been passed which declared it expedient to accelerate the administration of justice. The average number of times on which each sheriff gave judgment was four; and the average time during which the causes were lying waiting for judgment, was 277 days and a fraction. In answer to this he might very likely be told, that a royal commission had been issued; that there were among the Members, as he admitted, several excellent persons, and among them the hon. and learned Gentleman opposite, whose ability he freely acknowledged, and that this commission was doing the same duties as he proposed for the consideration of the Committee; but in answer to this he would read to the House—and if they granted him a committee he would prove —what was the opinion of one of the present judges with respect to this law commission:—" As there are no reporters present," said this judge, " I may quietly tell you that you need be under no apprehension on account of the law commissioners, or think that they will injure the Court of Session. A set of old advocates and writers are too shrewd and sensible to break their own heads." [*Name, name!*] He thought that he had a better hold over the House by not naming the author; but give him a committee, and he would name him at once. Was he not there to gain his cause if he could? He was not going about the bush, but he was setting about his business fairly and honourably. Now as to the jury trials, he had no returns of what the commissioners had done; and when he wanted to know even what witnesses had been examined, he got a reply, perhaps sufficiently explicit and sufficiently courteous, that " when the report was produced, he would know who the witnesses were." As to the Court of Teinds, it never got through its business; but this was no fault of the presiding officers. In many parishes there were two great questions unsettled, and he believed, that in some parishes there were three questions still open; but this delay arose entirely out of the forms of the Court, which were extremely improper. He came next to a subject which would be one of great delicacy if they did not all know the unimpeachable character of his hon. Friend opposite (the Lord Advocate). He came to the question of the criminal judicature which he believed was in a more objectionable state than any other. There would not be any blame, however, attributable to the present Lord Advocate, for he believed that no Lord Advocate would have time to look into this subject fully. He knew the great energies of the present Lord Advocate and of his predecessor, Lord Jeffery. He knew the duties they performed, and he believed it was not possible for the power of nature to permit them to go through more fatigue; and if the improvement were to be effected at all, it must be done by some one not connected with the administration of justice. He knew the duties of the office of Lord Advocate, and he believed that they had been honestly, zealously, and faithfully performed by the present Lord Advocate and his predecessor, but it was quite impossible that either could effect an amendment. Let the House consider how the Lord Advocate was appointed. He was some distinguished Advocate who had risen, like the Chief Justice in England, to the very top of his profession, but without devoting any of his attention to this branch of the system, for the Scottish system of circuits did not admit of the attendance of the highest Members of the profession—in fact, the circuits were attended by mere youths and tyros, and this was owing to the deficiencies in Scotland of jury trials. He alleged nothing personal against the administration of justice, but he only contended that the system which was acted upon was one which was injurious in the highest degree to the rights and privileges of the people. The powers intrusted to junior branches of the profession far exceeded that to which their experience or their situation entitled them. It was the system, however, he repeated, which he considered to be improper, and not the persons who were engaged in carrying it out; it was of the law which was executed, and not of the judges by whom it was put in force that he complained. He had himself gone a circuit, with a view to ascertain the extent of the mischief which existed, and it appeared to him that it was most indecent that it should be in the power of Gentlemen so young as those who acted for the Lord Advocate to say who was to be tried and who to be discharged, and therefore he said it was absolutely necessary, with a view to the general revision of the system, that a committee should be appointed to look into the jurisdiction and powers of the criminal courts. With regard to the sheriffs' courts, which were the next to which he would refer, he did not mean to enter largely into the question affecting them, because he had endeavoured to obtain a committee upon the subject last Session, but, in consequence of the hon. Gentleman opposite voting against him, his object had been defeated; but, he must say, that he thought it of essential consequence that that part of the jurisprudence should be inquired into, and he thought that the other House of Parliament ought not to be permitted by its interference to reject the most useful part of a measure which was proposed to them, without any reason being assigned, for he had no hesitation in saying that he had watched the proceedings of the bill before the two houses of Parliament last Session, in its progress through the House of Lords, and no reason whatever had been assigned by the noble Lord who suggested the expulsion of four clauses contained in it for so doing, and those clauses were of exceeding importance. In pointing out to the House the effect of the existing system, he could not do so better than by stating that the fact was, that the people appeared to have been made for the laws and lawyers, and not the laws and lawyers for the people. It amounted to that. The system authorizing Acts of *sederunt* was in itself one of extreme injustice. As the law stood, it was in the power of the Lords of Session to refuse to promulgate the acts of *sederunt*, and they had even said, that there was no necessity for them to be posted against the walls of the court-house, although by these very acts the people were taxed to the amount of two millions. There were no means by which this amount might be reduced or taxed—no means by which the people of Scotland might complain against any items; but it was determined on within closed doors, and those whose purses were to be sweated were not made acquainted with the contents of the bills until they were actually called upon to pay; nay, even the sale of the acts at the shop of the printer, by whom they were prepared for circulation, had been refused, on the ground that they were private. Jeremy Bentham, in his observations upon the state of the Scottish people, said, that they were so completely fettered by the legal profession, that no good could come of it, that improvements were then in the course of being made, but that whatever alteration might be granted, the lawyers would contrive, by some means or other to keep the people back, and this prediction it was obvious had been but too truly verified. He begged to ask the learned Attorney-General, why the people of Scotland generally would not be allowed to have a general jury system? Why were they not as well able to judge of cases as the particular inhabitants of the city of Edinburgh? When Lord Brougham, in 1834, abandoned those clauses of the Local Courts Bill, which would have given the courts jurisdiction in cases of debts amounting to 20*l.*, he said, that his reason for doing so was, that, if it were carried, it would "sweep clean Westminster Hall;" and he supposed the same description of reason would prevail in Scotland under similar circumstances. There could be no doubt, that the most ample justice was done in the local courts as they were now constituted, and the appeal given from them to the chief sheriff was a perfect absurdity, and he thought this would be obvious on his mentioning facts. The number of cases of small debts disposed of before the sheriff substitute in one year, in Perthshire, was 3,887, while the appeals to the chief sheriff were 118 only in number. In the same county of Perthshire also, while 528 civil causes had been disposed of, 213 criminal trials had taken place, so that 213 persons were allowed to be tried before juries without one of them being allowed to obtain civil justice by the same means. The total number of cases in fact laid before the one sheriff substitute was between six and seven thousand, while the appeals to the thirty sinecure sheriffs were 3,600 only in number. The effect of the mode, too, in which the business was arranged, was to cause immense delay, and it was impossible for a case to come before the Court of Session until it had been going on and pending for between two and three years; but he thought the House must agree with him that the system which he had endeavoured to describe was in its nature far inferior to that which he advocated as being the most advantageous—the jury system. He had now endeavoured to state to the House his reasons for asking them to grant a Committee, with a view to an inquiry into the general state of the administration of justice in Scotland. He was quite prepared to say, that over the breadth of the country no confidence existed in the courts to which suitors were now obliged to go, and no man expected the measure of justice he was entitled to receive, either in due time, or in a just and equitable manner. The expenses were enormous; the delay was similarly injurious; and both these matters, so properly complained of, arose out of the present inconvenient method of proceeding, and of the enormous extent of writing and printing employed. He defied hon. Gentlemen opposite to show him where the law required either this delay or this expense. It was nowhere required, but the system was one which had merely grown up, and had been supported by the remnant of the Scottish Parliament, now called the Court of Session. He did not blame the present men for their having originated the system, but he did blame them for their maintenance and support of its unjust effects. The evil might be easily remedied if this House would permit an inquiry to be made, and he must say, that he thought that object could be in no way better fulfilled than by adopting the course which he suggested. Before he sat down, he must add, that he thought that the appointment of the commission which had sat was most unsuitable, because it was composed wholly of those gentlemen who, if they had no interest in the subject, must at least be supposed to have strong prejudices. He asked the House, however, why they should have the present system continued, under the advice of men whose prejudices or whose interests were concerned in supporting a monopoly which was most obnoxious? Would the House, when they desired to break up the East-Indian monopoly, have employed the monopolists themselves to advise upon the propriety of the step, or would they, when they desired to put an end to slavery, have asked the advice of those who were interested in its continuance? No, they would not, and why, then, had an opposite course been pursued here, and why had persons whose interest it was to support the existing system been employed to report upon the necessity of its alteration? He had before stated his belief upon the same subject upon the same grounds, but the application which he had made was refused. He was convinced, however, that if a mixed Committee were granted, the result of their deliberations would be of a character very different from that of the commission which had already sat, and the suggestions and recommendations which they would make he was persuaded would be altogether opposed to those which had hitherto been acted upon. In conclusion, the hon. Member moved that a Select Committee should be appointed to inquire into the mode of administering justice in Scotland.

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* See Hansard's Debates Vol. viii. p. 788.

The *Lord Advocate* said, that the only difficulty which he had, was, not in answering any one point put by the hon. Member as a ground for the granting of the committee for which he prayed, but the selection of one which presented the smallest reason for the motion being acceded to. The hon. Gentleman had gone over every department of the law of Scotland, and had made observations on most of them, none of which, however, appeared to be founded on any very strong ground. He had often expressed a wish that the hon. Gentleman would attend the Court of Session for a month, and he had expressed his belief, that the hon. Member in that time would have an opportunity of acquiring some knowledge in reference to their proceedings. He was confident that if the hon. Member had acted upon this suggestion, he would have received a great deal of information, and he would have viewed the matter in a very different light from that in which he now looked upon it. What was the nature of the present motion, however? Was the hon. Member serious in making it? The hon. Gentleman must recollect that on the one subject alone of Sheriff's Courts, a committee of this House had sat in the last year. What better right had the House then to believe that any committee now appointed, would be more successful in its inquiries than that? If the hon. Member had desired to set up any particular grievance, he should have brought forward that point before the House, and should have made it out, but according to the hon. Member's speech, it would be necessary to have ten or twelve different committees to inquire into the various topics on which he had treated. He must say, however, that there was no instance in which any law had been so sedulously and carefully examined into, and in which so many attempts had been made to improve it, as the law of Scotland, since the time of Lord Grenville's speech. At that time jury trials were utterly unknown in Scotland, and the hon. Member now said, why not have them in every case? He could not be so well aware as those who were acquainted with the difficulties attending such undertakings of the great danger and trouble accompanying the introduction of an entirely new system throughout a country, however excellent that system might be in its effect elsewhere. No man could be more anxious, or more zealous than he was, in endeavouring to introduce reforms, when they were needed; but it was impossible to suppose that an attempt to introduce a system like that of trial by jury in all cases could be at first and at once successful. It had been in existence, and in operation in England for a long period; and not only judges, but juries and witnesses had acquired a knowledge of its usefulness and importance; but the introduction of such a system fresh into a country where it was previously unknown, was an undertaking which would be attended with infinitely greater difficulties than could be surmounted very soon. If the absence of the jury system were complained of in some cases, however, it could not be denied, that it was in some cases highly beneficial, and he conceived also, that in many particulars the Scotch law, as it now stood, was far superior to the law as it existed in this country. Take, for instance, the ecclesiastical courts, the chancery courts, and the Admiralty courts. While these jurisdictions in England, formed the subject of consideration in various courts, in Scotland the separate courts of jurisdiction had been abolished, and all the various duties were performed under one system. The hon. Member spoke of the number of judges; but did he consider how many situations had been by this means abolished? First, five of the judges of the Exchequer had been removed, and their duties were now performed by one of the judges of the court of session. The judges of the Admiralty courts had also been removed, and their duties taken in like manner; four commissaries, whose powers exceeded those of the ecclesiastical courts in England, had here in like manner been taken away, and their duties apportioned among the court of session, and two members of that body itself had also been taken off the list. Had the hon. Gentleman, too, considered the great increase of business caused by the removal of the jurisdictions of those courts to the court of session? The committee which had sat upon this subject, had inquired into the possibility of any reduction taking place, and the evidence of one person, the Dean of the Faculty had been, that the number had already been too far reduced, while two others who were examined, declared that it was impossible that the number could be any further diminished. He could not concede, therefore, that on this point either there was any ground for appointing a committee. With regard to the present system of trial by means of depositions, he was prepared to admit that it was attended with some difficulty; but it had been introduced long before the jury system was known there, and the alteration, he repeated, would be a matter of too great difficulty to attempt to accomplish at once. The question had been considered again and again, but if the hon. Gentleman could point out any practicable measure, by means of which the defects of which he complained, might be remedied, he knew there was no person more disposed to give it the most liberal and immediate attention than he (the Lord Advocate). With regard to the statement made as to the rejection of the four clauses of the bill of last Session, in the other House of Parliament, that surely could not be urged as a reason for a committee being granted; for could it be contended that this House, had any power over the proceedings of the House of Peers? Did any ground, therefore, remain upon which it could be said, that the motion should be acceded to, or upon which it was reasonable to suppose, that any benefit could be reaped? The hon. Member in the course of his observations, had made some remarks upon the age of the justices of the court of session, and upon their infirmity. It was true that tary of State, whose duty it was to ascertain that there was no person remaining on the judicial bench of Scotland who was not perfectly competent to discharge his duty, had come forward and contradicted the statement that had been made. Why it had been said that four Judges of the present Bench of Scotland were incompetent—[Mr. *O'Connell*—Three] He was surprised to hear the statements made whether of three or two. It was true, that unfortunately one of those learned persons had been obliged to relinquish his duty on account of severe illness, but he trusted that that learnedperson was in a fair way of recovery, and that before many days had passed he would be able to discharge his duty with the same honour and credit as he had done for the last twenty-eight years. When the hon. Gentleman talked of persons being on the Bench who were incompetent from mental imbecility to perform their duty, he begged leave distinctly to deny, that there were any such. He wished that hon.Gentlemen would look at the voluminous judgments delivered by every Judge in that Court in the course of last year. Nothing could reflect greater credit upon any person than the judicial research, the great learning, and the acuteness displayed in those judgments. He believed, that at no period of his life was that learned person more capable of giving judgment to the great satisfaction of all suitors than at the present moment. —The only inference that could be drawn from the speech of the hon. and learned, Member was this, that every person who filled a judicial situation ought to tender his resignation the moment he became indisposed. He hoped, that for the sake of Scotland, Lord Corehouse's health would speedily be restored.

Mr. *Hope Johnstone* said, it was true his venerable relative the President of the Court of Session was now advanced in years, and he was far from denying, that that advance in years had not told considerably against him. He had been in constant communication with that venerable person, and he could say, that in all the ordinary intercourse of life it was impossible to see the slightest symptoms of that mental debility to which the hon. Member had alluded. The observations of the hon. Bart. the Member for Stamford (Sir G. Clerk) had done away with the necessity of his saying a great deal that he had intended to state; but he could not sit still and hear allusions which he thought might have been made in more gentle language by the hon. Member—and he begged to bear his testimony to the inaccuracy of the hon. Member's statements.

The *Attorney-General*, having been alluded to so pointedly by his hon. and learned Friend, the Member for Greenock, begged to make a few observations. He entirely concurred in the view taken of this subject by his learned Friend, the Lord Advocate. He had had a very fair opportunity of seeing how justice was administered in Scotland; and he must say, that, on the whole, it was administered very satisfactorily. That there were abuses, no one would deny, although they had been most monstrously exaggerated by the hon. Member for Greenock. The House would recollect what the hon. Member said about the people of Scotland being mulcted in 2,000,000*l.* a-year, by the costs they paid in the Sheriffs' Court. It must give English and Irish Members a right notion of the growing wealth of his country—that the people, without any considerable inconvenience, could spare 2,000,000*l.* a-year for costs in the Sheriffs' Court. The hon. Gentleman had been led away by his zeal to dream of things that were utterly impossible. He agreed, that trial by jury might be more generally introduced; but as to the trouble of making the change, he concurred in what had been said by the Lord Advocate. Trial by jury required to be familiarly understood by witnesses, jurymen, and all concerned in the working of the machinery. There was some inconsistency in what the hon. Gentleman said; he wished trial by jury to be more generally introduced, and yet he said, that where trial by jury had been introduced, the parties were always ruined. His hon. Friend had referred to the office of public prosecutor. Why, what he had said went against the appointment of a public prosecutor altogether; because it would be impossible for the Lord Advocate to be in every court in Scotland, therefore he must have a deputy to represent him, and that deputy must have a discretion as to who should be prosecuted, and how the prosecution should be conducted. There were great reasons for thinking, that the office of public prosecutor might be introduced into England with advantage. He believed, that it would be much better if a prosecution were instituted by a responsible adviser, who was able to say which cases should be brought before a jury and which should not, than that the matter should be left to blind chance, or to the passions of individuals. He did not deny, that great improvements might be advanced or facilitated by the Committee proposed by his hon. Friend: he, himself, had been a Member of the Committee on the Sheriff's Courts, and had gone there day after day, and sometimes there was a quorum and sometimes there was not. There was very little advantage, however, to be obtained by going into all the details of the business of the courts. Such an inquiry would occupy several years, and should, if necessary, form the business of a Commission. He had had the honour of being one of a Commission which would cause no expense to the public, and had effected, he hoped, no inconsiderable improvement. He would not boast of his own services, but he would say he was a zealous member of that Commission. Great talent was devoted for days and months to that service, from which service it was to be expected great improvements would be introduced into that department of the law. Could improvements in the law be expected from a Committee of the House of Commons? Trial by jury might be introduced, so that his hon. Friend would perhaps hereafter have the pleasure of going and hearing in a Scotch court, a suit for 20*s*. tried and decided by a jury; but he doubted whether the people would regard that as an advantage.

Mr. *Horsman* would recommend his hon. Friend to withdraw his motion for a Committee, which he was certain nothing but a sense of public duty could have induced his hon. Friend to bring forward. The hon. Baronet, the Member for Stamford, must have misunderstood what had been stated, when he referred to Lord Corehouse; it was, he believed, stated generally, that the Scotch judges were inefficient from age or bad health, but no special allusion was made to Lord Corehouse. If the power of securing the comforts of age were withheld from those venerable characters, it was to be expected they would remain on the bench till overtaken by years and infirmity. He thought his hon. Friend had obtained his object in the public attention he had attracted to the state of the judicial bench in Scotland, and he did not foresee any objection to his withdrawing his motion.

Mr. *Hope* said, he was able, from his own personal knowledge, to contradict much that had been stated in respect to the Scotch judges, and he regretted his hon. Friend, the Member for St. Andrew's, had been led into the statement he had made.

Mr. *Bannerman* had been in the Court of Session in Edinburgh, and he had there seen a venerable judge, an honourable and upright man, and had heard him deliver his opinion on two short cases. He was in such a state of imbecility, that he regretted to see him, and he was prompted by his brother judges on the right and left. The Lord President was not there on that occasion; and he was sorry to hear his hon. Friend say, that his mind was decayed; he was, however, in bad health. He hoped the Scottish judges would soon be enabled to retire on full salaries, and if his hon. Friend did not bring forward a measure to enable them, he would.

Mr. *O'Connell* said, the judges of Scotland were not adequately paid for their services. It was impossible they could save money, and yet support their families. It was a paltry species of economy, that they were not allowed to resign on full salaries. Such economy was pursued both in Scotland and Ireland, and was equally bad in both countries.

Mr. *Pringle* denied, that the venerable Scottish judge alluded to by Mr. Bannerman, was in a state of imbecility; he was in full possession of those splendid abilities for which he had been so much and so justly admired in Scotland. It had been lately his lot to hear him give his opinion on some case, and he could assure the hon. Member, that the learned judge evinced that singular ingenuity of mind by which he had long astonished his hearers. There was no judge in his recollection, who had borne a higher character than that venerable judge had done.

Mr. *Gillon* denied, that the judges of Scotland were under paid. He thought, considering the short period the judges sat, they were admirably paid for the duties they performed. He thought the public money could not be better applied than by giving the judge a proper retiring provision, but it should be at that time of life when they were incapable of performing their duties.

Mr. *Aglionby* considered the subject with respect to the Scotch judges had been brought forward prematurely. He thought the hon. Member would not gain much by the appointment of a Committee of the House of Commons, as he considered a Committee of the House of Commons was not the best authority to take up the matter. He was in hopes, however, that what had taken place, would induce her Majesty's Government to take the subject into their serious consideration, for the purpose of revising the whole judicial system in Scotland.

Mr. *Wallace* thought, that the House had run away from the question, and that it would be vain on his part to attempt to bring them back to it. In answer, however, to the observations of the Attorney-General, he had to complain that they would not allow juries to try for shillings and sixpences in Scotland, but they would for necks. He would not detain the House, to take a division on the subject; but seeing the impression that was entertained, he would withdraw his Motion.

Motion withdrawn.

INTRODUCTION OF TRADE BILLS.] Mr. *Wallace* moved, that "no Bill affecting the trade or commerce of the country be introduced after Easter, unless on special cause being shown why it had not been brought forward sooner." In making the present Motion, he begged the right hon. Gentleman opposite would understand, that he did not intend to disparage the Motion of which he had given notice.

Mr. *Hume* seconded the Motion of his hon. Friend. Although Government might see fit occasionally to introduce measures of importance towards the close of the Session, yet that could seldom be the case. The President of the Board of Trade must in general be aware of what was required to be brought forward before that period. Last Session, more bills affecting important interests had been brought forward at a late period than in any other Session. He thought that this Motion which would compel an early introduction of important measures, would prevent the public being taken by surprise.

Mr. *Poulett Thomson* said, that some bills of the nature alluded to by his hon. Friend who had brought forward this Motion, could only be introduced at a late period of the Session. If hon. Gentlemen paid attention to the manner in which public business had of late pressed on the House, they must also be aware that many measures, although they might be of the utmost importance to different interests, were necessarily postponed in consequence of the number of questions and discussions relating to party differences which had unfortunately greatly increased of late. His hon. Friend who brought forward this Motion, and his hon. Friend, the Member for Kilkenny, who had seconded it, had referred chiefly to bills connected with trade and commerce. He was satisfied, even if the hon. Mover should be inclined to press the question, which he was happy to see the hon. Member was not—that he should be enabled to show that this motion was unnecessary. The House of Commons would not, at any time, allow a bill to be introduced unless grounds were shown for the necessity of its introduction. The motion, therefore, was supererogatory. The motion might be opposed also on other grounds. It would be putting a stop to the legislation of that House. All bills relating to commerce must involve revenue considerations. How was it possible to introduce bills involving revenue considerations until public accounts were made up, and the Chancellor of the Exchequer knew what money would be at his disposal. The revenue accounts were only made up to the 5th of April, and the Chancellor of the Exchequer must have made his financial statement to the House, the Budget must have been brought forward before bills could be introduced affecting articles of commerce. He would be glad, that his right hon. Friend would place at his disposal money to be disposed of in different ways; he should be happy to come down to that House on the 5th of February, and say that it was in his power to reduce duties on such and such articles; but his right hon. Friend would tell him that it was necessary that the financial accounts should be made up before he could be enabled to announce his intention to lessen or to take off a tax. Of late years, he had had the good fortune to propose and carry many ameliorations in the Customs laws; but these ameliorations required much preparation and consideration. In the first place, it was desirable to ascertain what sum of money could be spared for the reduction of duties; next, it was of importance to know on what particular articles these reductions would tell most for the public advantage; in order to ascertain this, it was necessary to consult different individuals, and to listen to the claims put forward by different interests. Hon. Members were not to imagine that because discussion did not take place within these walls, that therefore none took place at all; a vast deal of discussion took place without these walls. Different interests were heard, and such an adjustment of those interests took place as might best conduce to the interests of trade in general. He would refer to a reduction which had recently taken place, of the duty on fruits. Constant and frequent consultations had been had with persons connected with every branch of that trade before it was settled in what manner that reduction should take place. He would mention also another instance; the reduction of the duties on dyes, which for a long time previously had been the subject of daily consultations. He mentioned these circumstances to show the House the necessity there was of consulting the different interests in such cases as those which he had adduced. The effect of the hon. Member's motion would be to retard all this business. On no subject was more care taken to inform the public mind than upon the subject of financial measures, which had to go through more forms than ordinary bills. If more had not been done within the last few years for commercial improvement, it had been the fault of that House, and not the fault of the Board of Trade. He had done all that he thought the House would permit him to do, to improve the commercial legislation of this country. He appealed with confidence to the various articles (not of very great importance), to the number of between 300 and 400, in which he had effected a reduction of duty, and the result of which, in most cases, had been an advantage to the revenue by an increase of consumption. The restrictive duties upon those great articles, corn and timber, from which duties he believed the commerce of this country was suffering—were beyond his power, and it depended upon the House whether any alteration should take place in them.

Mr. *Brotherton* said, that having a motion upon the books of the same nature as the hon. Member for Greenock, though he proposed to effect the same object by different means, he would say a word or two. He considered that his proposition, that no public bill be read a second time after a day to be fixed at the commencement of each Session, except for special reasons, and under urgent circumstances, was the better of the two. When he made his customary motion, that no business likely to create debate should come on after twelve o'clock at night, he was always assailed by the objection, that it would have the effect of retarding the public business, and lengthening the Sessions. But his answer to that was, that if the Session was protracted to Christmas, new bills would constantly be pouring in to the very last. As a proof of that he might state, that last Session, when there were 120 public acts passed, fifty-five new bills were introduced after the first of July, the Session closing in August. Hon. Members ought to know what business was before them when the Session opened. A limitation was already in force in regard to private bills, which could not be introduced after a certain time, and he thought it would be to the public advantage, that a similar limitation should be established with regard to public bills. If, however, the sense of the House were expressed against the motion of the hon. Member for Greenock, he would not press his.

Sir *G. Clerk* objected to both motions, and would resist any attempt to place any limitation upon the House in respect to the introduction of those measures which the public interest might demand. The President of the Board of Trade had talked a great deal about the reductions he had made, and was prepared to make in duties on articles of commerce. He was glad, that the right hon. Gentleman had thus gone far to make up for a material omission in her Majesty's Speech, and he was happy, that the public had to expect reductions in those duties. He hoped, that in future the estimates would be laid on the Table of the House within the time agreed upon by the House, on the motion of Sir John Newport. He also trusted, that the Chancellor of the Exchequer would find it convenient to revert back to the old system, and commence the financial system from the 5th of January, so that the balance sheet of the Government might be laid on the Table of the House one week from the meeting of Parliament. It was now brought forward, if not at the very end, at a very late period of the Session, and the President of the Board of Trade was obliged to wait until the Budget was brought forward before he could introduce any bill for the relief of the commerce of the country. He hoped the hon. Member would not press his motion to a division.

The *Chancellor of the Exchequer* would take upon himself to say, and he believed without fear of contradiction, that ever since he had the honour of filling the situation he then held, the estimates of the great interests of the country—the estimates for the navy, the army, and the ordinance, had always been laid on the Table of the House within the period limited by the motion of Sir John Newport. His hon. Friend opposite had asked him to return to the old financial year, but allow him to ask, in what condition was the House placed under the old practice? Why, in nine cases out of ten, the Ministry were carrying on the affairs of Government without any authority whatever from Parliament. The right hon. Baronet knew well enough, that such was the case with many of the Governments with which he had been connected. On the accession of the present Ministry, they were told from all parts of the House, that they ought rather to adopt the plan followed by the French Chamber, and take a vote of confidence, than proceed on the plan which had hitherto been followed. The Government, however, took a different course. They altered the financial year from January to April, and they were supported, not only by the great body of the House, but also by the people out of doors. By the plan now in practice the Government had always the sanction of Parliament; the number of men were voted; the Mutiny Bill might be progressing, and the wages of the navy would be paid, and all would go on under the sanction of the House. It would be a great departure from principle if they were to go back to the old system, unless at the same time they were also to recur to the old practice of assembling in November. If the House met at that time, Government might make the financial year commence in January; but meeting as they did in February, it was absolutely necessary that they should adhere to the system of commencing the financial year with April. He trusted, that his hon. Friend would not divide the House, for he obtained all that he wished by getting a recognition of his principle which should be followed in all practical cases.

Mr. *Warburton* said, if he understood the suggestion of the hon. Member for Greenock, it was this, not that there should be one universal rule, but that bills should be brought in in an early stage of the Session. For his own part he wished the House to recognize two classes of cases—1st. That wherever duties were to be imposed or raised, the bills should be brought in on the first day of the Session; but in the second place, when duties were to be taken off he would allow the Government to have power to introduce the Bill when they pleased. The right hon. President of the Board of Trade said, that it was the fault of the House that the duties on corn and timber remained in the same state as they had been during the last few years. That was not quite correct, because it was the duty of the right hon. Gentlemen to have brought in a bill to carry into effect the recommendation of a committee which had sat some years ago and recommended that the duty of timber should be reduced. The right hon. Gentleman, therefore, should accuse himself and not the House, because he and his Friends around him were very anxious for the reduction. When he sat on the opposite side of the House, along with the right hon. Gentleman, he had frequently brought the subject of the timber duties before the House, and had been frequently cheered by him and his Friends. Suppose that he were to introduce a bill now for that purpose would he have the cheer of the right hon. Gentleman—or would he have the cheer of the right hon. Gentleman's friends? No; they would be mute. Let the right hon. Gentleman carry out the recommendations of the Committee, and he should have his earnest support.

Mr. *Wallace* did not mean to divide the House upon the question. He would merely say, that if bills had to pass through seven stages, instead of five, this would be an argument in favour of an earlier bringing in of bills. He thought the financial year ought to be closed in January. He thought, that such a course would save a vast deal of trouble to the Chancellor of the Exchequer.

Motion withdrawn.

PROTECTION OF PURCHASERS.] Sir *E. Sugden* moved for leave to bring in a bill for the better Protection of Purchasers against Judgments, Crown debts, and fiats in Bankruptcy. The result of the bill would be to lessen the expenses of the delays attending purchases, and avoid a great mass of litigation. With respect to the question of judgments. As the law stood until a recent period, judgments could be had in all the Courts, and each Court had a register of its own judgments; and as these judgments would lie for a great many years, a purchaser who wanted to see that there was no judgment on the estates, had to resort to every Court, and examine its registers to see if there was a judgment against the person selling them. One great difficulty was, that the names were entered generally, so, that if a man rejoiced in the name of John King, the person buying them would find perhaps 200 judgments against the same name, and would have to find out the true one. The effect of this was, that the judgments bound the estates which a different person afterwards bought. In a bill brought in last year, there was a provision, that all judgments for the time to come should be put upon one register, and the description and residence of the persons against whom they were entered should also be stated there. This was a great improvement, but what he proposed upon the point was this. The evil still existed as to those judgments which were entered up previously to the passing of the bill of last Session. He proposed, that the judgments already entered up should within a year be brought upon a new register, where they were intended to affect estates in the hands of *boná fide* purchasers. He had another proposition to make, which was rendered still more necessary from the provisions of the recent Act; which altered the character of judgments as regarded estates. Formerly a judgment was not a lien upon the estate, but the creditor had it in his election to go against the estate, if he thought proper, and it was considered rather as a general lien than a particular charge. The late Act had made every judgment entered up a charge upon the estate, which involved the purchaser in greater difficulties than existed before. He proposed in order to lessen the difficulty, that every five years a person who wished to keep any judgments alive against estates, should re-enter his judgment. The effect would be, that the purchaser would have to go to one Court only, and have only to search for five years. There was a question of a different nature which also led to great difficulties on the part of the purchasers, and which men of common sense could not understand which was called a *lis pendens*. The absurdity of the laws was this, that if the proceeding went on to a decree, there was no notice at all, but the mere filing of the bill, and the proceeding in court was a notice—upon this antiquated notion, that every body was present during the proceedings of a court of justice, and that every body knew what had happened in the past decrees of the court. The result was frightful. A man who had not the slightest notion of litigation was suddenly told there was a *lis pendens*, and when he asked the meaning of that he was told it was a suit in Chancery. He proposed a very ample remedy for that, which was, to make every man who filed a bill put his case upon this register of judgments which he had already mentioned. The next subject to which he had to call the attention of the House was one of a very important nature. By the law of this country every accountant of the Crown had his estates bound to the Crown during the whole time of his liability, and if he should sell an estate at the time he did not owe a shilling, and twenty years afterwards was seized for a debt subsequently incurred, the purchaser who had bought the estate would be liable to the Crown for every shilling of debt incurred by the tenant. How he proposed to obviate the objection was this—that in the Court of Exchequer there should be a register similar to the register of judgment, to which he had adverted, and that the Crown should in that register enter the names alphabetically, of all the accountants and debtors to the Crown. He did not think there would be any opposition to what he had proposed on the subject. The next was a very difficult question—it related to the operation of lists in bankruptcy on estates of traders. The law as it now stood was this, that if he bought an estate from a trader, and there was a prior act of bankruptcy, of which he had no notice, and if a commission issued within two months after he had bought the estate then he would lose it. Now that appeared to him to be altogether without defence. It was manifestly absurd. If a trader was not prevented buying an estate, why should he be prevented from selling an estate? What he wished to provide was, that a *bona fide* purchaser for value, without notice of bankruptcy, should not be affected by a commission of bankruptcy after he had bought and paid for the estate. The present law prevented a man turning his money into estates, and his estates into money, as he had a right to do if he chose. The present law provided that if a man had notice when purchasing an estate, of a commission issued within twelve months of the purchase, that should bind him. He saw no objection to that, because if a man chose to speculate with his eyes open he must take the chance of any creditor of the bankrupt pouncing on him and the estate he had bought. These were the principal objects he had for asking the House for leave to bring in this bill. He would not have taken the liberty of doing so had he not thought that such a bill would facilitate the transfer of property, without taking from any man the right he ought to enjoy, while it gave the purchaser a degree of security and safety which he thought it was the bounden duty of the House to provide for him.

The *Solicitor-General* would not detain the House on the present occasion, but he could not let that opportunity pass without tendering his thanks to his right hon. Friend for the useful and material alteration in the law, which he proposed to introduce. It was, no doubt, a most material alteration, most desirable in itself, but he could not help looking at the two first propositions of making a more effectual register of judgments and Crown debts as at least one important step to the panacea —the real medicine and remedy for a great many of these evils, the establishment of a good system of general registry—He looked to this as a most important advance, he did not treat it as an immaterial matter in the benefit which it contained itself, but he looked at it with most satisfaction as an advance, and an advance in the right direction, towards that which was the only effectual remedy for our present complicated and expensive system of real property.

Leave given.

PRISON DISCIPLINE, (SCOTLAND.)] Mr. *Fox Maule* moved for leave to bring in a Bill for the Improvement of Prisons and Prison Discipline in Scotland. The principal alteration contemplated by the bill was in regard to County Boards. We had now County Boards and Boards under these County Boards: it was his intention to unite the two. He proposed, in regard to assessments, instead of leaving the law as at present, to give to Commissioners of Supply for the county, the power of assessing for the purposes required; and he would give in all counties a power of raising the assessment to the extent of a penny in the pound on real property. These were the principal alterations he intended to make. He had, during the recess, visited Scotland, and from the inquiries he had made there he was not convinced that the mode of assessment adopted there was good. This bill would of course include other matters, but sufficient time would be given for understanding its details during its progress through the House.

Sir *George Clerk* entirely approved of the main objects of this bill, and the necessity of introducing better discipline into prisons, and providing further accommodation therein. No person who had been in Scotland but must regret the state of the prisons there; but the hon. Member had introduced some things into his bill which were not connected with the main object, the improvement of prisons. He approved of the alteration as far as it went, but he wished to call the attention of the hon. Gentleman to the propriety of separating that part of the bill which went to provide for the improvement of prison discipline in Scotland, from that which provided for the building of one or two, or three other prisons for the confinement of prisoners after trial, and wherein an improved system of discipline was to be carried into effect. He thought the providing by an assessment for the building these additional prisons, without immediately raising the question as to the propriety of throwing the burthen of the expense upon the people, was premature. No person knew the proportion of expense which would be thrown on the people, because in former bills, he believed the returns from the different counties were made up on different principles and for different objects, and did not offer the means of judging of the present case. He regretted, the principal Secretary of State for the Home Department was not in the House, because he should be fortified by an observation made by the noble Lord to the House on his intended measure for building prisons. The hon. Gentleman had much better have divided his bill into two parts, and he hoped before the bill passed he would see the propriety of so separating it. He would add, that as little time should be lost as possible in carrying through the measure connected with the improvement of central prisons discipline. He thought this improvement should be under the direction of a central board; and in this respect he approved of the bill but he was not satisfied with the expense thrown on the people. He was friendly to the experiment of improved prison discipline being tried on an extensive scale, but he thought, that experiment might be tried in the building in the Isle of Wight, which was large enough to contain all the persons condemned for crimes in Scotland, without imposing on that country the heavy burthen of building additional penitentiaries. If, as the noble Lord at the head of the Home Department had announced last night, he meant to call upon Parliament for a grant of money, for the purpose of building prisons, let the experiment in regard to Scotland be tried in the same way and at the same time. The prison in the Isle of Wight would incur an expense of about 20,000*l*., but it would hold all the prisoners of Scotland for many years to come. Let the experiment be tried, and let it be paid out of the public purse, and not paid for in this unsatisfactory manner by an assessment. He hoped for the sake of Scotland, that the right hon. Gentleman would divide the bill into two parts. He thought the erection of prisons in Scotland should be a charge on the Consolidated Fund, and not be paid out of the county rates.

Mr. *Fox Maule* was surprised at the course adopted by the hon. Gentleman. A new light seemed to have dawned upon him. He viewed with alarm the proposition of the hon. Member as it led him to anticipate an opposition to the measure which he had not anticipated. Notwithstanding all that had been said by the hon. Baronet, he considered it better, that the bill should be proceeded with in its single shape.

Leave given.

Bill brought in, and read a first time.

REGISTRATION OF VOTERS (IRELAND).] Mr. Sergeant *Jackson* would detain the House but a very few moments with his motion respecting a bill to amend the laws relating to the registration of voters in Ireland, and to assimilate them as much as possible to those of England. The present state of the law was admitted on all hands to be exceedingly defective, and this was the opinion of all persons, of whatever political party they might be. A bill to amend its defects was brought in by the Attorney-General of Ireland in 1835, and also in 1836, and in the last Session of Parliament, none having been brought in in the Session of 1837. The fictitious votes committee, which sat a considerable time, had witnesses summoned before it from different parts of Ireland, witnesses composed of all classes, and it was agreed on all sides, that the evils of the present system were intolerable. It would be in the recollection of the House, that last year he took the liberty to bring in a bill to remedy these evils, and that after the bill had been read a second time *pro formâ*, it went into committee, so as to enable him to give the details of the measure the fullest consideration, and he had since taken all the pains in his power to render the bill perfect. A very important law was passed last Session—he alluded to the Irish Poor-law act, which contained much machinery which would be available for registration. That law, however, had not yet come into operation, but he availed himself of its machinery in the bill which he introduced last Session for the purpose of assimilating the law, as far as possible, in England and Ireland. He had been receiving suggestions upon his bill, up to the latest moment. He had not brought it in as a party measure, and he should be obliged to any Gentleman who would consent to give him any assistance. Among many important suggestions which he had received, he had been told, that it would be premature to attempt to introduce a change to the extent which he had originally contemplated, and it had been suggested to him, that he would do well to deal only with some of the leading defects in the law at present, and not attempt to go the full length of the bill which he had introduced. He was quite disposed to consider that proposition, and, therefore, he would not now apply for leave to bring in a bill, as he considered, that when a Member asked for leave to bring in a bill he ought to have it in his hands; but he should apply himself to the consideration of the suggestions which he had received without loss of time, and would endeavour to make his measure as perfect as possible before it was introduced.

Notice of a motion withdrawn.

POOR-LAW (IRELAND).] Viscount

Morpeth, in rising to move for leave to bring in a bill to amend an Act of the 1st and 2d Victoria 1., cap. 56 for the more effectual relief of the poor in Ireland, stated that his object was to remedy a considerble degree of perplexity which had arisen consequent upon some of the clauses of the act referred to. In certain districts of Ireland it turned out, that the machinery for carrying the act into operation did not exist at all, consequently, the commissioners were at a perfect stand-still. This would be remedied. Provision would also be made for more accurately defining the boundaries of districts. Provision had been made in the act for certain preliminary expenses. These expenses were of a very limited nature, and provision was intended to be made for raising a limited sum with a view to meet them. It was directed by the act, that appeals should be heard at the courts of quarter sessions, which were presided over by assistant barristers. Now, there were certain towns, where assistant barristers did not preside; this bill would remedy the defect.

Mr. *Shaw* said, that difficulties had occurred in the city of Dublin with regard to the operation of this act, which it would be necessary to relieve by some legislative measure. He hoped that every bill on this subject, like the one of last year, would be discussed without reference to party feelings, and he hoped, that this would be the case in Ireland also in all proceedings that might be taken in consequence of this measure, but he was sorry, that in the city of Limerick such had not been the case. He thought, if the House of Industry in Dublin were placed under the superintendence of the Commissioners, a considerable saving would be effected, but he wished to recommend a class of old and deserving officers belonging to that institution, and who would be thrown out of employment, to the consideration of the noble Lord. The noble Lord would make no specific motion on the subject, as he was of opinion, that the Lords of the Treasury were the proper persons to be applied to to make the provision on this subject, but, however that question might be, he hoped that the cases of these officers would receive the consideration they deserved.

Mr. *W. S. O'Brien* would take this opportunity of protesting against the delay that had taken place in bringing this measure into operation. It was too bad, that a measure for the relief of the poor in Ireland should thus be delayed—every day the public were shocked with the intelligence of outrages taking place in Ireland, though few were aware, that those outrages generally arose from the consolidation of farms. He would not express an opinion upon the policy of this consolidation, but considering the numbers who were rendered destitute by it, and the latest accounts from New South Wales, describing the advantages of that colony, he would call upon Government to grant some assistance for the furtherance of an extensive emigration which would materially diminish the temptations to crime. He hoped the noble Lord would furnish the House with a statement as to the manner in which this measure had been carried into effect.

Mr. *F. French* asked if there had not been some difficulty in obtaining the barracks which were not used by soldiers in Ireland, and which the Ordnance, though it had been agreed that they should be given up for the Poor-law purposes, had refused to part with, except at very high prices?

Viscount *Morpeth* was not aware that any very high prices had been demanded for such barracks by the Ordnance, which could not however, it should be recollected, part with those buildings for nothing, but was bound to require a fair price for them, and he did not think that they had shown a disposition to ask more; with respect to the complaint as to the delay in carrying out the Poor-law Act, the hon. Member (Mr. S. O'Brien) was the last person who ought to make that complaint for the county he represented (Limerick) had already been divided into Unions, and the work was going on throughout Ireland as quickly as possible.

Motion agreed to and bill brought in.

Late Sittings.] Mr. *Brotherton* rose to move, "that it is desirable that no new business should be brought on, likely to create debate, after twelve o'clock at night, except under urgent circumstances." It was fortunate for him, that he could bring on this motion, it being five minutes to twelve, without violating the principle he wished to lay down. His object was to ascertain, by the feeling of the House, whether he was likely to be supported in his objections against midnight legislation? To general opposition to his views he should feel bound to submit, although he had long entertained a hope of breaking up a system that was injurious alike to the health of Members and the real service of the public. If his motion were negatived by anything like an unanimous vote, he might feel inclined to save himself from the personal inconvenience of moving adjournments of the House night after night; but not otherwise. To continue the practice was, in his opinion, most unwise, as well as unjust; for after midnight the House might be said to be sitting with closed doors—the reporters worn out, and the Members sleeping about on the benches and; it was only in the Legislative Assemblies of this country that midnight law-making was attempted to be defended. On these grounds, and on others, which he would not detain the House to consider, he moved for leave to bring in the Bill.

Sir *E. Codrington* supported the motion. On an occasion of his wishing to oppose the passing of a Bill, which was to him an exceedingly obnoxious one, he had attended the House four or five days until two o'clock in the morning; and on the last day, or rather night, he was assured there was no chance of the Bill being passed; and yet, on the following day, he learnt, to his great surprise, that it had been read a third time and passed at half-past two in the morning.

The *Chancellor of the Exchequer* said, he thought the matter ought to be left to the discretion of the House. At all events, it was quite useless to pass such a resolution as this, as to which there would be a dispute every time it was attempted to be enforced. For instance, as to the words "urgent business," there would always be a discussion on that question; and so with regard to the words "likely to create a debate." There would be always a debate of half an hour to decide whether the subject was "likely to create a debate" or not.

Viscount *Dungannon* concurred with the last speaker, that the adoption of the motion would lead to endless disputes. Every Member would naturally consider his own measure to be of urgent necessity, and universal exceptions would entirely put aside the rule. The effort would be found to be futile and useless.

Mr. *Brotherton* would take the opinion of the House, as a means of, in some measure, deciding his future conduct. He had not the slightest objection to amend his motion if the principle were retained. Having met the constant opposition of the noble Lord opposite (Lord Dungannon), he was prepared still to expect it; but by that, nor by any other individual opposition, he would not be guided, unless it were sustained by the general opinion of the House. He should, therefore, press for a division.

The House divided—Ayes 19; Noes 26:—Majority 7.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Brocklehurst, John
Duke, Sir James
Dundas, C. W. D.
Finch, Francis
Gibson, Thos. Milner
Gillon, Will. Downe
Hector, Cornthwaite
Hume, Joseph
Jackson, Mr. Serjeant
Morris, David
Salwey, Colonel
Scholefield, Joshua
Sharpe, General
Sinclair, Sir George
Style, Sir Charles
Talfourd, Mr. Serj.
Vigors, Nicholas
Warburton, Henry

TELLERS.

Brotherton, J.
Codrington, Admiral

List of the Noes.

Baring, F. Thornhill
Blewit, Reginald J.
Clerk, Sir George
Dungannon, Lord
Ferguson, Sir Rob. A.
Gladstone, W. E.
Grant, F. W.
Grimsditch, Thomas
Hastie, Archibald
Hodgson, Richard
Holmes, William
Hope, hon. Charles
Hope, Geo. W.
Inglis, Sir Robert
Jervis, John
Lockhart, Alex. M.
Morpeth, Lord Vict.
Murray, rt. hon. J.
Norreys, Sir Denham
Perceval, Colonel
Pringle, Alexander
Rice, rt. hon. T. S.
Shaw, rt. hon. Fred.
Sibthorp, Colonel
Wallace, Robert
Worsley, Lord

TELLERS.

Maule, hon. Fox.
Steuart, Robert

HOUSE OF LORDS,

Thursday, February 14, 1839.

Minutes.] Petitions presented. By the Bishop of London, from Cheltenham, against any plan of National Education not based upon the principles of the English Church.—By Lord Brougham, from a parish in Carmarthen, for an equal rate of Postage; from Cripplegate Ward, for a total Repeal of the Corn-laws; from a parish in Norfolk, for the total Repeal of the Corn-laws, Universal Suffrage, Vote by Ballot, and Triennial Parliaments.

National Education.] Lord *Brougham* wished to ask a question of the noble Viscount, namely, whether he had any objection to lay before the House certain education returns, that had been laid before the other House of Parliament by

Lord John Russell? He could not but take that opportunity to express his extreme satisfaction, and he said it most heartily, his extreme satisfaction, at the course taken by the Government, in directing attention forthwith to the great and important subject of national education. This gave him the greatest satisfaction, and he should be most willing to enter into the consideration of any plan, that they should think proper to introduce, with all the disposition possible to support that plan. This was a subject to which he had paid very great attention for the last twenty years of his life, as was well known to the public by the reports of the other House of Parliament, by the reports of the Commission which he had occasion to issue, and by the various motions which he had brought forward on this subject; and it was therefore natural, that he should feel great happiness in seeing the subject taken up by the Government. Provided the object he had in view were attained, he did not care by what channel, or through what discourtesy it was attained. He should give as hearty and as effective a support as he could to the measure, if he could approve of it upon examination, as if it were his own. His noble Friends in the progress of the measure through that House should have all the benefits of his experience and the assistance of his zeal, and he thanked them heartily for having taken the subject into their consideration.

The Marquess of *Lansdowne* said, that it was by accident only, that he was not able to lay the returns on the table of the House that day, and he certainly hoped to do so to-morrow. The measure which would be introduced might not, perhaps, be so extensive as the Members of the Government thought it ought to be, but it went as far as they thought practicable. He could only say, that the Government was most anxious, in the progress of any measure, to receive any suggestions that might fall from any noble Lords, and most especially from a person who had devoted so large a portion of his attention to the subject as his noble and learned Friend. Their object at present was, rather to make a beginning than to introduce a complete plan, and, of course, with that object in view, their measure would be of such a nature as would be least objectionable to all parties, and which should meet all their feelings, and it would be for the House to consider, either in that or future Sessions, when they had the experience of a beginning, whether it would be proper to extend it.

Lord *Brougham* said, that nothing could be more just than the observations of the noble Marquess. In a subject so open to controversy of a delicate kind, it was necessary at first only to do that which could be safely and easily done. At the same time he must remind his noble Friends, that they were in very great difficulty. If they brought in a plan that was too little, they would disappoint their supporters and the natural friends of the measure, and would lose their support, and, at the same time, excite as great a degree of animosity among their opposers; whereas a more extensive plan, whilst it was more satisfactory, would give them the full support of their friends.

TURNPIKE TRUSTS.] The Marquess of *Salisbury* said, he had moved, during the last Session, for certain returns relative to Turnpike Trusts. He wished to know when those returns would be made?

Viscount *Melbourne* said, he would inquire about them.

The Marquess of *Salisbury* gave notice, that after the Easter recess he would move for a select committee to investigate the subject.

Lord *Brougham* said, that he hoped the noble Marquess would take some other matters connected with this subject into consideration also. He begged to remind the noble Marquess, that in consequence of late changes there were now scarcely any inns on the roads, and scarcely any roads, and that unless one chose to travel at the rate of three or four hundred miles a day, he could not travel at all. He hoped the House would go into the consideration of this subject with a view to this as well as to the eight millions of money invested in this description of property, and the many widows and orphans that depended upon it. He knew some very cruel cases that had already occurred; he knew one instance in which an income of 200*l.* a-year had been cut down to 40*l.* He hoped, that some ease would be given, as far as they could without violating any principle, and he thought, that they would not be violating any principle, if they took off the post-horse duty, which would enable the post-masters on certain roads to keep their heads above water a little time longer. If he thought, that his voice could reach to the enormous distance at which the Chancellor of the Exchequer stood, whether that right hon. Gentleman were performing the duties of his office, whether he were enjoying his dinner, or whether he were attending to his duties in the other House of Parliament, he would tell him, that if he did not give up the post-horse duty, it would give him up.

HOUSE OF COMMONS,

Thursday, February 14, 1839.

Minutes.] Bills. Read a first time:—Bankrupts Estates (Scotland); Factories Amendment.

Petitions presented. By Sir George Strickland, from Ossett (York), by Sir George Staunton, from Portsmouth, by Mr. Ord, from Newcastle-upon-Tyne, by Mr. Rich, from Knaresborough, by Colonel Davies, from Worcester, by Mr. Hume, from an Agricultural Parish in Suffolk, Repeal of the Corn-laws.—By Mr. W. Roche, from Limerick, by Mr. Darby, from four places, by Mr. Christopher, from Henley-upon-Thames, and other places, against the Repeal of the Corn-laws.—By Mr. O'Connell, from Dublin, for a real Union, or none at all.—By Sir R. Inglis, from Whitchurch, against any system of National Education not founded upon the principles of the Church of England.—By Mr. Cresswell, from certain Merchants of Liverpool, against the Custom-house exacting a greater duty on the Export of Woollens than allowed by Law.

Canada—Martial Law.] Mr. *Leader* presented a petition from Louis H. La Fontaine and Charles Mondelet, two advocates practising at the bar in Montreal. They stated, that they derived their sole subsistence from the exercise of their profession—that amongst the sacred rights granted them by this country, personal liberty was the one which they most valued—that in consequence of some late acts they were afraid that right was to be altogether taken from them, in consequence of the flagrant abuse of power to which they had been subjected—that they, with several other persons, were forcibly torn from their families on the 4th of November last, by persons calling themselves the agents of Government, and dragged to prison by her Majesty's troops, without any warrant, without any accusation against them, and, as they believed, with the knowledge or by the orders of Sir John Colborne; they stated further, that it was publicly believed, that a carte blanche had been given to many persons, to denounce as traitors any of her Majesty's subjects in the colony, thus furnishing to enmity an opportunity of wreaking its revengeful feelings on the liberty of the subject—that having been thus arrested they were detained in prison till the 13th December when the gaoler ordered them to go out—that they had written a letter to Sir John Colborne, demanding what was the accusation against them, and demanding to be brought to trial, but that to that letter no answer was returned. They stated, further, that Commissioners had been appointed to examine into this cause; that with their knowledge these two gentlemen had been detained in prison, without any occasion, and this with the knowledge of the Executive. They stated they had no legal resource against this course, as since the execution of the order for their arrest, they found an Act of Indemnity had been passed, which deprived them of the power of bringing the offenders to trial before the ordinary tribunals. They asked for that justice from the Imperial Parliament which they were unable to obtain in their own country. They stated further, that, being sincerely attached to the happiness of their country, they had another duty to fulfil, which was, to denounce to the House the devastation of their country by the troops of her Majesty and by the volunteers. They further denounced, besides, the plundering and devastation which had taken place, outrages still more revolting, committed by the soldiers and volunteers, on the unoffending females of the country. [An *Hon. Member:* The hon. Member for Westminster is going beyond the line agreed on in making so long a statement.] He was merely reading the prayer of the petition, which he had a right to do. The hon. Gentlemen seemed inclined to gag them, but he should proceed with the petition, which further stated, that the petitioners complained of the suspension of the laws before the proclamation of Martial Law, and also of the Suspension of the Habeas Corpus Act; and that the country was under military and despotic rule, of a nature to drive the population of these provinces to despair, and of which the object appeared to be to destroy their institutions and their language, and drive them from their country. They prayed the House to take the petition into their serious consideration, and grant them that redress which was so much needed. He should call the attention of the House to the subject on the 28th of February.

The Navy—Sir John Barrow.] Sir *E. Codrington* said, seeing the hon. Secretary for the Admiralty in his place, I wish to know whether a letter which has been in circulation, signed by the Under Secretary of the Admiralty, has received the sanction of the Board of Admiralty, or is to be received as expressing only the individual opinion of the person whose signature it bears? It is a letter which uses very strong terms, and naval men are anxious to know from whom it really proceeds.

Mr. *C. Wood:* I conceive that the question which has been put to me by the hon. and gallant Gentleman refers, not to a letter, but to the supplemental chapter of Sir J. Barrow's Life of Lord Anson. If so, I cannot imagine how any person who has read the preface to that work can put such a question to me as that which the hon. and gallant Gentleman has asked. Sir J. Barrow states, that book was published, not only without the authority of the Board of Admiralty, but without the knowledge of any member of the Board. I can distinctly confirm that statement, not only for myself, but for every member of the Board. I had no idea what were to be the contents of it until Sir J. Barrow put the printed book into my hands. I have no hesitation in saying, that many of the opinions there expressed by Sir J. Barrow are not approved of by the Admiralty. It may be convenient, that I should take this opportunity of stating, that as to the facts contained in that work, on looking at them, I perceive that they are such as may be collected from documents printed in this and other countries; and though there may be inaccuracies in some parts, the facts in the main are substantially correct.

Captain *Gordon:* I beg leave to ask whether the pamphlet published yesterday, as an answer to another publication, was printed under the authority of the Board of Admiralty.

Mr. *C. Wood:* My answer to this question is precisely the same as that which I gave to the first which was put—namely, that the publication has taken place without the authority or knowledge of the board. Captain Hardy is now in this country, and the first intimation I received of this production, as of the other, was, when a printed copy was put into my hands by the author.

Subject dropped.

Corn-laws.] Lord *J. Russell:* With regard to the question put to me the other evening by the right hon. Baronet (Sir R. Peel) as to the course I mean to take with respect to the motion of the hon. Member for Wolverhampton, I have to state, that if the motion which it is intended to submit to the House, be in the words of the notice as they appear on the book, I should have no great difficulty in answering it. But as the words of the notice are —"Motion to receive evidence at the Bar of the House, with a view to a total repeal of the laws restricting the importation of foreign grain"—and, as I understand the hon. Gentleman (Mr. Villiers) does not mean to make the motion in that shape, I think it would be convenient to the House if he would state what it is he does mean to move.

Mr. *Villiers:* I am extremely sorry that any mistake should have arisen on the subject of my notice; but as there seems to be a variation between the notice and what I intend to move, I shall state what my notice was meant to be:—"That I shall present a petition or petitions to this House on the subject of the Corn-laws, alleging certain things, and that I shall on Tuesday move, that the allegations of the petitions be supported by evidence at the bar of the House.

Lord *J. Russell:* As the hon. Gentleman has now stated what his motion really is, and as it only refers to an inquiry to be made into the operation of certain laws, I don't think it would be fair to the hon. Gentleman, or respectful to the motion which he intends to submit, if I were to make any declaration on the part of the Government before it comes on.

Sir *E. Knatchbull:* The course now adopted by the noble Lord, is one which, as regards the House and the public, and particularly as regards the persons directly interested in this question, is decidedly unfair. The hon. Gentleman (Mr. Villiers) gave notice on the first day of the Session, that he would make a specific motion in the House. The notice was printed with the votes of the House for some days, and for aught we knew, the discussion would have come on in that form, if it had not been for the question, which my right hon. Friend (Sir Robert Peel) put to the noble Lord the other evening. I don't think the noble Lord has been treated fairly; but I am also of opinion that the noble Lord has not now treated the House and the country fairly by refusing to declare the course which he means to take. The hon. Gentleman has now stated distinctly, what his motion will be, and the House and the public have a right to know the intention of the Government respecting it. I call, therefore, on the noble Lord to re-consider his opinion, and to state whether it be the intention of the Government to oppose this motion, that we may have an opportunity of knowing whether our opposition is to be directed against the noble Lord, or against the hon. Member for Wolverhampton.

Mr. *Villiers*: the right hon. Baronet has not correctly represented the course which I have taken. I gave notice, that I should present a petition on one night, and, that I should make a motion subsequently to support it by evidence. I have to regret, that the written notice which I gave to the clerk did not precisely correspond with that form; but I beg to state, that on the second night after the meeting of Parliament I stated the course which I meant to take in so distinct a manner, as entirely to relieve me or the noble Lord from the charge of taking the House by surprise. The question was put to me by the hon. Gentleman near the right hon. Baronet (Mr. Christopher), and I was a little surprised to hear that hon. Gentleman cheer the right hon. Baronet, when I recollected the distinct answer which I gave to him on that occasion; namely, that it was not my intention to raise the general question of the repeal of the Corn-laws on that day when I meant to move, that evidence should be heard in support of the allegations of the petitions which I should present; but, that I should take care to give due notice to the House when I should submit a direct motion on the general subject. I never intimated to the House, and never meant, that it should be implied, that I intended to do more than move, that the statements of certain petitioners should be supported by evidence at the bar of the House.

Sir *R. Peel*: I confess there is no ground of complaint against the hon. Gentleman for having done what was not fair. The hon. Gentleman most certainly gave notice, that he should present certain petitions, and that he should afterwards move to have them supported by evidence. These petitions, it appeared, prayed for a total repeal of the Corn-laws, and the hon. Gentleman proposed on Tuesday to summon evidence to the bar in support of the allegations of the petitioners. No one could be taken by surprise by the course of the hon. Gentleman. When I asked the question which has been referred to, the hon. Gentleman said, he would persevere in his motion, and that motion I understood to be to have evidence at the bar, having a tendency to prove the necessity of a repeal of the Corn-laws. But the noble Lord (Lord John Russell) declared, that it was his intention to oppose that motion. On Tuesday last I asked the noble Lord whether he could state, that he should make any motion as an amendment to that of the hon. Gentleman? The noble Lord made no objection to that question; but gave a distinct assurance, that he would answer it on a future day; and I never was more surprised, I must say, than when I heard the noble Lord state, that he did not think himself called on to announce the course which the Government meant to take until Tuesday, the day on which the motion is to be made.

Mr. *Villiers:* The petition has not yet been presented; and I feel bound to state that the noble Lord (Lord J. Russell) asked me what was its prayer, and I told him, to be heard by evidence at the bar of that House. That the petitioners alleged that they are aggrieved by the Corn-laws, I do not deny; but their prayer is to be allowed to prove their individual grievances at the bar of the House. That is a very different petition from one for a total repeal of the Corn-laws.

Lord *John Russell:* The right hon. Baronet (Sir Robert Peel) has no doubt stated correctly, the impression on his mind from the conversation on Tuesday; but a totally different impression was certainly left on my mind. I understood the right hon. Baronet to refer to an answer which I had given to another hon. Gentleman, in which I stated, that there were grounds of precedent and others for opposing a motion, that evidence be received at the bar, but that I would not give any pledge as to the course to be taken in this respect, and then to ask me whether on that day, I was prepared to state the course I meant to pursue with regard to the hon. Gentleman's motion. I replied, that I could not give an answer then, but that I should be prepared to do so to-day. Now if I were about to propose an Amendment, or to take a course different from that of the hon. Member for Wolverhampton, otherwise than by giving a simple affirmative or negative to his motion, I think it would not be unfair to ask me what that Amendment was; but on considering the question of the right hon. Baronet, it certainly did forcibly occur to me, that it would not be fair to the hon. Gentleman, when he was about to bring forward a motion, which he might be able to support by sufficient reasons and argument, if I were to declare some days beforehand the positive course which I had determined to pursue with regard to it. The right hon. Gentleman, the Member for Kent seems to think, that a very unfair course; but, Sir, I have yet to hear a correction from you as to that course; and I have yet to learn, that it is my duty several days before a motion is made, to say, that I have fully considered the question, and that no reason and argument which can be urged can induce me to take other than the course which I declare beforehand, and which positively precludes all investigation when the motion is brought forward. I may have made up my own mind with respect to the question; but if I have, I most certainly still think, that the course would not be a fair one to the hon. Gentleman, or to the numerous petitioners who have asked, that evidence should be heard at the bar, if I were now to prejudge the question, and endeavour to induce others to determine beforehand, on not giving their support to this motion. Now, as to any advantage which may be taken of the hon. Gentlemen opposite by this course, if they take their measures exactly as if I were about to give a direct support to the hon. Member for Wolverhampton, it is impossible that they can suffer the slightest disadvantage from my motion, whatever it may be.

Sir *E. Knatchbull:* I can't even guess what the noble Lord means to propose. I apprehend, that I must labour under a mistake as to the conversation of Tuesday night; but I understood the noble Lord distinctly to promise, that he would state to-night the course which he meant to take, and I did believe, that on this night he would have redeemed his pledge.

MUNICIPAL CORPORATIONS (IRELAND.)] On the motion of Viscount Morpeth, the following extract from the Queen's Speech was read:

"The reform and amendment of the Municipal Corporations of Ireland are essential to the interests of that part of my dominions."

The noble Lord then said—Sir, in moving for leave to bring in a bill for the regulation of Municipal Corporations in Ireland, whatever may be the importance with which in my consideration the proposition is invested, or however desirable its adoption may be, it cannot certainly claim the attention of the House on the score of novelty. This I believe, that if I succeed in inducing the House to give me leave to bring in this bill, it will be the fifth measure of the kind which has been introduced here, all of which, except the very first, have been attended with very long—I will not presume to say tedious—discussions within, and protracted altercations between both Houses of Parliament. The grounds, therefore, on which this measure rests must be sufficiently familiar to every person whom I have the honour to address. They were originally laid down with great minuteness in the Report of the Commissioners of Inquiry into the state of the Municipal Corporations in Ireland, who detailed with great research and accuracy their views respecting the abuses and imperfections of the existing system, and the remedies which they recommended as most proper to be adopted for their correction. And since that time up to this day, so far as I am aware, those statements have neither been impeached nor questioned. But what would make it eminently superfluous in me to dilate at any length upon those grounds is the course which has been adopted by the great party mustered on the benches opposite, and assembled in still more formidable numbers elsewhere, who have in fact consented, on two separate occasions to the destruction, extinction, and alienation of all the existing corporate institutions in Ireland; and upon one other occasion, when the Bill was before us last year, they also did consent to their entire recasting and remodelling. I, therefore, feel, Sir, that it would be more than idle and impertinent in me if I were now to attempt to dispute grounds not only so often trodden, but which have been absolutely conceded; and that I should be doing what is much more in accordance, not only with my own pleasure, but with the pleasure of the House at large, if I confine myself exclusively to the mention of the points of difference in the details, and the modes of carrying the principles of the measure into effect, whereby the Bill which I ask permission of the House for leave to bring in may be distinguished from what has before been mutually agreed on between both Houses of Parliament. And in doing so I shall only premise that while it is our strong wish to carry as far as possible, in all essential points, the assimilation of the law in this country and in Ireland, yet, wherever previous discussions in Parliament have shown that there is, on less prominent points, any neutral ground on which we can meet without sacrificing the essential interests—without sacrificing the origin and pervading spirit of the whole measure—the assimilation of the institutions of the two countries, in these cases we are prepared to embrace any such additional chance of promoting agreement and ensuring the ultimate success of the Bill. The main point of difference which existed between the two Houses at the end of last Session was the amount of the franchise which it was proposed should be exercised for municipal purposes in all the towns in which corporations were still to be left under the provisions of the Bill. And it will be remembered the House of Lords proposed "that this should be given by the occupation for twelve months of a tenement of the value of 10*l*., made up of the value at which it is rated to the relief of the poor, to the amount of landlord's repairs and landlord's insurance. The Commons proposed the occupation for six months of a tenement rated at 8*l*. (being such sum that one quarter addition, allowed for the expense of repairs, insurance, and other expenses, if any, necessary to keep it of that value, should make it amount to 10*l*.) It is proposed now to adhere to the franchise proposed last year by the Commons, with an additional provision that after three years, rating the English franchise shall be substituted." Now in the present Bill we adhere to the franchise of 8*l*. rating, proposed last year by the Commons, for towns to which it is intended to extend corporate rights and privileges; but as I think it was in the course of the discussion admitted very freely on both sides that it is desirable, where we have the means to identify the law and practice in the two countries, and that we were only withheld from adopting that course by the want of proper and indispensable materials, inasmuch as these materials have since been supplied by the enactment of the late Poor-law for Ireland, which took place in the last Session, we propose, that wherever in the corporate cities and towns the poor's-rate has been established for the space of three years, then that every person occupying a tenement which has been rated to the relief of the poor for the three previous years shall enjoy the municipal franchise. With respect again to the nomination of the sheriffs, we adhere to the proposal made last year, that the councils may present three twice to the Lord-lieutenant, and that if he disapprove of all six he may appoint. We reject the amendment of the Lords, which placed the appointment exclusively in the Lord-lieutenant. We propose to retain the same number of towns as that of last year in the first schedule of the Bill, where corporations are to be continued by the express provision of the Act, and also to include in the second section the same towns as were agreed on at the end of last Session by both Houses, to which on petition the Crown is empowered to extend corporate institutions, and not only to these, but to any towns in Ireland of three thousand inhabitants. With respect to these boroughs in schedule B, the two Houses proposed to deal in different modes, and I think on hearing the different propositions which were recommended, it will be seen that the plan of each House was liable to some exceptions. The Lords proposed, "that upon the petition of a majority of persons qualified to be burgesses under the 10*l*. qualification, from any borough in schedule B, or any town in Ireland possessing three thousand inhabitants, the Crown might extend to that town the provisions of the Act, lowering, however, the qualification required for aldermen and councillors." Now, as we thought the 10*l*. rating too high even for the largest towns, it follows, *a fortiori*, that it would be overwhelming in the small and less populous towns in Ireland. "If no such charter were granted in twelve months, a further distinction was to be made between boroughs having property to the value of 100*l*. per annum, and boroughs not having property to that amount. In the former, commissioners were to be chosen by a 10*l*. constituency, of exactly the same kind as the burgesses of Schedule A; but their powers were to be limited to managing the corporate funds, and paying them over to any local board established in the borough, for paving, lighting, &c., or if there were no such board, then applying them, under the direction of the lord-lieutenant, for the public benefit of the inhabitants. In these cases, the old corporation was to be dissolved, and if at any time the Crown should grant a charter of incorporation upon petition as above mentioned, the property was to be transferred to the Council, and the power of the commissioners to cease." Now, we think this provision to be at variance with the whole spirit and scope of the Bill, which is not to encourage centralized management, but self-government by the communities in the different towns in which it applies. "In boroughs which have not property to the amount of 100*l.*, the present corporations to be continued, but all their powers to cease, except those necessary for the continuance of the corporation, and management of the property, to be applied as in the richer boroughs of Schedule B." We considered this proposition also objectionable, though not so much so as the others. The suggestion of the Commons was, "that in all the boroughs of Schedule B, commissioners should be elected as under the 9th Geo. 4th, and that the corporate property should be transferred to them, for the purposes of that act." So that it was objected, that it was not right, that towns should be compulsorily rated and taxed under the provisions of this bill, without any request being made by them to have it enforced with regard to them; and it was urged, that it was contrary to the spirit of our institutions, and the practice of our Government, to apply the power of taxation against the consent of those who were to be affected by it. We felt the force of this objection, and accordingly we propose, "that the Crown shall be empowered to grant the powers of the act to any borough in Schedule B, or any town having three thousand inhabitants, on petition, but without requiring the signatures of an absolute majority, and providing that the franchise may be such sum as may give a sufficiency of burgesses not less than 4*l.*, and not exceeding 8*l.*; or, after three years' rating, the English franchise. In those boroughs which do not petition for twelve months, commissioners to be elected under the 9th Geo. 4th, to manage the property, and apply it for the benefit of the inhabitants, but without any power of laying a rate, their powers to cease at any time a charter be granted." These, I think, are the salient points of difference between the bill which is now proposed and that which was ultimately agreed on last year after much discussion. With respect to the general question, I do not certainly mean to advance the assertion, that the question of municipal reform is the only remaining question essential to the welfare of Ireland; but I am stating no more than the simple fact when I say, that it is the only remaining one of the three great questions which have occupied so much of the attention of Parliament during several successive Sessions, and that we may indulge the prospect, that the removal of it will give room for the consideration of further measures, which, whether involving so much that is really important in abstract principle and national bearing or not, will perhaps be considered by many to be of a more immediate practical tendency; and which, though perhaps not appealing so much to the ordinary distinctions and watchwords of party, may perhaps affect more nearly the actual physical condition of the people. And when the principles of the measure which I now beg leave of the House to give me permission to introduce are so simple, so fair, and so just, I cannot deny myself the hope, that Parliament in its present Session will at last bring this much discussed, and much vexed question to a satisfactory and speedy termination.

Mr. *Shaw* said, he would not offer any objection to the introduction of the measure proposed by the noble Lord, nor would he go into the statements which the noble Lord had made at any great length. The principal difference betwixt the measure of former Sessions and that which it was now proposed to introduce related to the franchise, and to the alteration which the noble Lord proposed in reference to that part of the measure he felt the strongest objections. The noble Lord seemed to expect, that the plan he now proposed would afford a better constituency, and that the elections would be conducted with less of party spirit. But he begged to refer the noble Lord to what took place at Limerick at the election of guardians under the New Poor-law as a specimen of what was to be expected under the Municipal Bill. It had been hoped, that the spirit with which that measure was discussed in Parliament would have had the effect of softening down the party feelings and religious animosities which existed in Ireland. But on the occasion to which he referred, when the Poor-law Bill was put in operation in the county and city of Limerick, that hope had not been realized, and a different course to that which had been anticipated had been adopted. When the bill was to be put in operation, a political meeting was held, at which a Roman Catholic took the chair, and a list of guardians was prepared and forwarded next day to all parts of the district of which the union was to be composed; and, contrary to the wishes and feelings of the Protestant portion of the population and of many respectable Roman Catholics, that list, so prepared, was, on the day of election, carried identically as it had been prepared. Out of twenty guardians to be appointed for the county and city of Limerick, there were nineteen Roman Catholics elected. He thought, after the statement of that fact, the noble Lord could hardly entertain a hope that the elections under the Municipal Bill would be less free from party feeling than they had already become under the Poor-law Act of last Session. He was glad to hear from the noble Lord that it was the desire of the Government to give every attention to such suggestions as might be made for the improvement of the measure which he was about to introduce, and he trusted that the noble Lord would not raise any obstacles to whatever well-considered amendments might be proposed, on either side of the House. As to the towns to be retained in the first Schedule of the Bill, he did not clearly understand, from the noble Lord's statement, what the number was to be; nor had the noble Lord stated whether the provisions of the Bill were to extend to the regulation of the boundaries of the boroughs, or whether a specific measure was to be introduced for that purpose. He perfectly agreed with the noble Lord in the hope he had expressed, that as the other two great measures having reference to Ireland had been settled, and as the only point upon which there was a material difference of opinion in regard to the measure now brought forward had reference to the franchise, they might at last indulge a prospect of its final settlement. For his own part, however, he thought opposition should be given, not only to the franchise proposed, but to the principle of the measure. He thought still that it would have been better to extinguish corporations altogether in Ireland, and not to keep up the vast expense which they entailed upon the community; and he could state from his own knowledge that the present was not a measure desired by any large portion of the Irish people, and that no great anxiety had been manifested for corporations. As, however, the measure, had been so long under the consideration of Parliament, he admitted, that it was highly desirable it should be finally adjusted, and for himself he would give every assistance in his power for the attainment of that object. He should not then enter upon the amendments which he might ultimately deem necessary, but he should take the earliest opportunity of protesting against the proposition of the noble Lord of extending to Ireland the law of England, which gave, after a rating of three years, the franchise to every rated householder. He should reserve for the proper occasion whatever other observations he might have to make, and he also reserved to himself the full right of proposing any such alterations in the noble Lord's measure as he might deem necessary, and of making any motion which the provisions of the measure might in his opinion require.

Mr. *William Roche* said, he felt it behoved him as representative for the city of Limerick to make a few remarks on the topic which the right hon. the Recorder of Dublin adverted to, and animadverted upon, in reference to the preponderating number of Roman Catholics appearing on the Limerick list of guardians lately appointed for the administration of the Poor-law in that city. He first begged to observe, that a public meeting had been previously held, at which he had the honour to preside, and where he trusted he acted with impartiality and he believed with satisfaction to all parties. It was called with a view to select and suggest a number of names out of which it was recommended to the constituency to make choice, but which, of course, could only amount to a recommendation, yet might tend to facilitate the election. Nor was he aware, that Catholic clerical influence had the slightest operation there or exercised even the slightest interference. In the rural districts he did believe the poorer rate-payers consulted their clergy ignorant as they, (the poorer rate-payers) necessarily were, of the nature and results of this new law, and accustomed as they had been to resort to their pastors on all difficult occasions for sincere advice. This list of guardians he did not himself analyze as regarded the question of religion, because he considered the question of religion so utterly foreign from the purpose, and though a large majority of Roman Catholics happened to be thus nominated he believed the circumstance did not arise from any religious feeling or impulse but was owing, in his mind, to the rate-payers being better acquainted and more in communication with the gentlemen merchants and shop-keepers thus elected than with those of the Protestant community, and likewise probably to their knowledge and approval of the conduct of the gentlemen, thus chosen, on other public occasions, and at other public Boards. That what strengthened his opinion of the absence of any religious bias on the occasion, was, that in many other public institutions of that city (to several of which he belonged) he never could perceive, that the Catholic electors were actuated, at all, by creed, but by character—also that if religion, as was insinuated, had any influence in those appointments, the brother of one of the most popular Catholic clergymen there, would not be left out, though his name had been suggested for appointment. The guardians themselves, too, on selecting their dignitaries, such as chairman, vice-chairman, and deputy chairman, chose a Protestant for the first, a Catholic for the second, and a Quaker for the third, which surely evinced impartiality. But deprecating as he did the introduction of religion on occasions so foreign from its object, and in a manner so adverse to its interests, he hoped the time would ere long arrive, when it would be matter of indifference whether the directors of public institutions were of one creed or another, but solely whether they were worthy of the trust and fitted for the functions they undertook. And he would conclude by observing, that the oftener those of different creeds were brought together and in the habit of mingling together, the sooner would these untoward feelings and ideas die away and disappear.

Mr. *Wyse* said, he could confirm the statement of his hon. Friend as to there being no desire to exclude Protestants, but, at the same time, the result of the election at Limerick was not to be wondered at when they considered that this was the only political institution with respect to the management of which the people were consulted. Whenever the Roman Catholics of Ireland had been called upon to exercise the elective franchise, either in respect to the officers of county infirmaries or dispensaries, it was found that the religious opinions of the candidate, either on one side or the other, were not taken as the criterion, but the knowledge, the zeal, the abilities, and the character of those who were recommended to the vacant office, and whenever these qualities were found to exist, religious opinions formed no disqualification. He could bear testimony upon this point, especially in regard to the City of Waterford, and he believed, in fact, that the preponderance would be found on the side of those who were of the Protestant religion. He should like to know when there was to be an end of their hearing, that persons were only chosen for office in Ireland on account of their religion, and he thought that the imputations of such miserable motives proved the actual necessity of having those who had the management of public affairs in Ireland elected. They had been told, that concentrated power, such as the present corporations afforded, was necessary to defend the established Church in Ireland, but he thanked God they had arrived at a period when a more enlightened people prevailed, and when common ability was the only feeling which would operate in the choice of either Protestants or Roman Catholics for the office of guardians or any other office. Was it not clear that if the people were to pay rates for the good ordering and lighting of their towns the power of applying their money ought to be exercised by persons elected by themselves; and he rejoiced that the day had come when it was admitted that they were entitled to choose those bodies who were to administer their own local affairs. This was a principle recognised by every state, whether imperial or democratic, and which operated in Russia and Austria as well as in America. Ireland was the only exception; but fortunately the present corporations of that country would now be destroyed, and the certainty of this was what had led to the apparent apathy to which the right hon. Gentleman, the Member for the University of Dublin had alluded. It was, indeed, an act of charity to destroy them, and not to allow them to linger on in a state of contemptible existence. They were neither alive nor dead, but hovering between both states. They could do neither good nor evil. Horses in Ireland were perishing, lands were uncultivated, and everything in a state which called aloud for some remedy. The sooner, therefore, they came to a decision upon something, and which he sincerely trusted would not be delayed beyond the present Session, the better for the people of England and the better for the corporations themselves. As soon as the House had pronounced a new law that law would be adopted—there would be no opposition to it—the people would feel that they had the means of managing their own affairs—they would learn a practical lesson in the discharge of their own affairs, and a closer union take place between this country and Ireland than had ever yet been experienced.

Mr. *Colquhoun* said, the noble Lord had indulged in something like a hope that the adoption of his Bill would lead the way to a more tranquil state of things in Ireland, so that the House having disposed of this last of the three measures (as the noble Lord called it) which had so long engaged both Houses of Parliament, they would then be able to direct their attention to some other measures of a more practical nature. He thought he might venture to ask the noble Lord what was to be understood by that remark? He believed he had heard a colleague of the noble Lord say, that the Irish Church question was by no means settled on a satisfactory footing: and if he referred to the accounts of recent proceedings in Ireland, he should find, that this question of Municipal Corporations was far from being the only unsettled point. It appeared that it was one only of six questions entertained by the Precursor Society. From the declaration of that society, of which the hon. and learned Member for Dublin was the leader, the House could ascertain what were those practical questions which would remain to be settled, even after the settlement of Municipal Corporations. In the first place, there was to be a complete assimilation of the suffrage to the suffrage in England, and the suffrage in England was to be extended to the furthest point possible. The next point was the ballot, for the Precursors insisted on the ballot. Then another point was the total extinction of tithes and all other ecclesiastical exactions, whether they were called rent-charges or by any other name. So that that question, which was settled, as supposed by the noble Lord, last Session, remained in quite as unsatisfactory a state as before. He perceived, that the right hon. Gentleman the Chancellor of the Exchequer expressed some dissent. Why, did not the right hon. Gentleman know, that during the last autumn, meetings were held and attended by thousands and thousands of persons for the purpose of stating, that that measure was most obnoxious, and that it was to unite the gray coats along with the frieze-coated population in their antipathy to the Church? Such then were the ultimate practical measures to which they had to look forward as the groundwork of future agitation. The noble Lord had spoken of an identification of laws and interests between the two countries. But what was the identification aimed at by the hon. and learned Member for Dublin? He had long been calling out for "justice to Ireland," and he had at last given something like an explanation of what he meant by justice to Ireland. In that explanation he had embodied all the points already enumerated. "There must be," said the hon. and learned Member, "a due representation of Ireland; and I will be content with nothing less than 150 representatives for Ireland." He (Mr. Colquhoun) presumed that next year, taking the scale of population into account, there would be a demand for 200. But let the House listen to the manner in which the hon. and learned Gentleman expressed himself:—"Should the just prayer of our petition be granted, we are bound in integrity and good faith not to seek the repeal of the Union: we menace nothing, we threaten nothing; but if it be refused, the social elements of Ireland will never be settled into tranquillity. And then the hon. and learned Gentleman proceeded to say what ulterior measures he had in view, and one of these was the repeal of the Union. So that all that was to be gained by the settlement of this question, rather only the proposed settlement of it, was to embark afresh on a sea of agitation more extensive and interminable than ever, and which according to the right hon. the Chancellor of the Exchequer, must lead to a severance of the legislative Union. Notwithstanding all the professions which had been made about an anxiety for the exclusion of sectarian prejudices and religious distinctions, a recent election for poor-law guardians in Limerick had proved how far the reverse was the case. A large party there refused to elect men of property chosen from among both Roman Catholics and Protestants, and chose not only a majority of Roman Catholics, but insisted on men of extreme politics—men who were of the politics of the hon. and learned Member for Dublin. It mattered not how low they were in station, how deficient they were in property, or how wanting in every other qualification for the office; it was enough that they were violent members of the political union, enough that they joined in the shout for repeal, and in the demand for those extreme measures expressed on the Precursors' ticket; these men, and only these men, were deserving of the confidence of the people. The hon. and learned Member had taunted them with keeping up injustice. What would he say if in England all clergymen in all their churches and parishes were to read a list of twenty churchmen, and say to the people, "See that you do not vote for a Roman Catholic or a Dissenter, or for a Baptist, or an Independent, but for these men alone; and we throw out this significant hint, that if you do, you know there are penalties in reserve, more forcible and fearful than the penalties of the law, for resisting our mandate?"

Mr. *W. S. O'Brien* could not concur in the objections which had been raised by the hon. Member who had just sat down, against the election which had just taken place in Limerick. There was undoubtedly a greater proportion of Roman Catholics than of Protestants chosen at that election, but, having had an opportunity of personally observing the elections throughout Limerick, he did not think it possible to point out an objectionable choice. As large a proportion of Protestants had been chosen as, probably, their state of property and other circumstances admitted of. He saw the list for Limerick, and he did not believe there was a single Roman Catholic on that list, and underneath the list was written, "Vote for the friends of the poor."

Sir *R. Inglis* said, he should not have risen upon this occasion at all, had it not been said, that the noble Lord opposite was pledged to the extinction and destruction of the Corporations of Ireland. He was not so pledged, and he would always object to be considered pledged to any such proposition. He would not, offhand, consent to the extinction of corporations either in England or Ireland. When he reflected upon the purpose for which those corporations were instituted, he considered that every friend of the country, whether in reference to England or Ireland, was bound to give them every due consideration, that their importance required, whenever they became the subject of investigation. The argument meant this, that by the creation of new municipalities, they would put into the hands of what were called the people of Ireland, a great legal power, and what that legal power was, the hon. Member for Dublin would tell the House. He, for one, would never consent to place any such power in any such hands. Though he should not divide the House, yet he refused to concur in being ranked with those who willingly allowed themselves to be considered as assenting to the destruction of Corporations.

Lord *J. Russell* said it seemed hardly necessary that he should address the House upon the subject of Irish Municipal Corporations when there appeared to be no disposition to oppose the motion of his noble Friend; but as the subject of elections under the Poor-law Bill had been so much adverted to, he thought it necessary to say one word with respect to what had transpired at Limerick. It certainly appeared that in the election of guardians of the poor in that city, both parties made it in a great degree a political struggle, and the result was considered a great political triumph by the successful party. But in another town, in which an election for similar purposes had taken place, it appeared that the officers were elected about equally from each party; and that all the different religious sects into which the town was divided were fairly represented in the board of guardians. He thought this was an example much more likely to be followed generally throughout Ireland than the example afforded by the city of Limerick. It was much to be regretted that the electors in any town or city should employ the new powers given to them under bills of this description merely for political purposes; but with the exception of the instances to which reference had been made, he thought there was not a disposition on the part of the constituent body in Ireland to use their powers otherwise than in conformity with the Act. In a report which Mr. Hall had recently made upon the subject, that gentleman said, "That in the anticipations which he had ventured to utter in his former report, he had not been disappointed. The affairs of the unions, he observed, were managed by men of business and activity, and their exertions were solely directed to carry out the provisions of the Bill in the spirit in which it had been enacted by the Legislature, and altogether their conduct had been to him perfectly satisfactory." This testimony as to the mode in which the elections were conducted must be satisfactory to the House, and he only hoped, that all future elections would be carried on upon the same principle, for this was a law from which he anticipated the greatest improvement to Ireland would arise. He trusted, therefore, that neither party politics nor religious feelings would be allowed to interfere in any elections that might take place under it.

Mr. *Sergeant Jackson* cordially and entirely concurred in the hope expressed by the noble Lord, that the elections of guardians of the poor in Ireland would not exhibit in future anything like party spirit. He did not wish to prolong the debate on the question now before the House, but he rose merely to say one word on the fact which was in controversy on both sides. The hon. Member for Limerick had said, that all Roman Catholics had there been elected on the board of guardians. He (Mr. Sergeant Jackson) was afraid that would not be found to be the fact. At the election in the poorest parish of the city of Limerick, namely, St. John's parish, the chair was filled by the Rev. Mr. Fitzgibbon, and therefore the hon. Member was mistaken in supposing that the Roman Catholic clergy had not interfered in the matter.

Mr. *Barron* supported the proposition which had that night been brought forward by the noble Lord the Secretary for Ireland. Notwithstanding what had been stated by the right hon. the Recorder of Dublin, he (Mr. Barron) must observe, that during the last 50 years there had not been a single Roman Catholic elected into the corporation of the city of Dublin, and was not that fact, he begged to ask, sufficient to provoke a natural retaliation? Was it to be supposed that the Roman Catholics would at once forget and forgive what had passed? Hon. Gentlemen opposite, who showed so bad an example of charity, ought now to be the first to come forward and say, "Now that the laws are altered —now that Roman Catholic disabilities are removed, we, in the spirit of conciliation, will now admit you." And he would ask the hon. Member for Kilmarnock (Mr. Colquhoun), would this House have been jutified in refusing to grant to England and Scotland those corporations to which they were entitled, and which had been conceded to both those countries, because then, as now, there might be a Chartist Association sitting in London? Certainly not; and therefore it was a most absurd and vicious argument for the hon. Member to urge that corporations ought not to be granted to Ireland because certain portions of the people of that country were joined in looking for universal suffrage, vote by ballot, and other measures which might or might not be practicable. Their claims for those measures ought not to be an argument against the grants to Ireland of the same privileges as had been given to England and Scotland; on the contrary, he would say, that if hon. Members opposite wished to do away with just causes of complaint, and to weaken the agitation of the society to which allusion had been made, let them concede to Ireland that which she had a right in justice to demand, and then take their stand and declare they were determined to oppose those claims which they held to be unjust, improper, and impolitic—claims which they thought ought not to be granted to the English people; then would be the time to oppose the Irish people boldly and manfully on those other demands; but until hon. Members opposite came to that House with clean hands by granting to the people of Ireland their just privileges, they ought not to taunt them with making improper demands. It was for that reason that he protested against such arguments as had been made use of by the hon. Member for Kilmarnock, arguments which he was satisfied would have no weight in or out of the House, but of which he felt it his duty to expose the sophisms and absurdities. He trusted, that as all parties, with the exception of the hon. Baronet, the Member for the University of Oxford, were agreed upon the necessity of abolishing the existing corporations in Ireland, the House would see the common sense, the justice, and the equity of granting equality of liberty to the people of that country, who he was sure would never be satisfied—and, indeed, as every honest man must think, ought not to be satisfied—until they were placed on an equal footing in every respect with the people of England and of Scotland. He hoped the day was not distant when men, throwing aside their ancient prejudices, would meet the people of Ireland on just and equal grounds, and that, as the law had abrogated religious distinctions, he would implore the House to abrogate those distinctions in act and deed, both public and private. Let hon. Members opposite set an example of charity, and not by withholding just rights excite a generous and a brave people.

Mr. *H. Grattan* did not rise to prolong the present discussion, but to put a question; the answer to which, from the right hon. the Recorder of Dublin, might render it unnecessary for him to move an Amendment he had prepared to the motion of the noble Lord, the Secretary for Ireland. The question referred to a corporation of which he and the right hon. and learned Gentleman opposite were both members, and which, though it had been said to be dead, was, he could assure the House, alive and active—he alluded to the corporation of the city of Dublin. It might be in the recollection of the House, that during the administration of the Marquess Wellesley, certain persons, himself among the rest, had been enabled to proceed by law against that corporation, and to recover from it a sum of about 78,000*l.*, by a decision of the Master of the Rolls in Ireland, afterwards confirmed here by the House of Lords. That debt was secured by debentures or bonds payable from the funds of the corporation arising from their lands and leases. Now the corporation had lately proceeded to dispose amongst themselves those funds which belonged to the holders of the debentures. One individual had got 300*l.*, others different sums, voted to one another, and there was no security but that the funds would be wholly made away with, and that the creditors would get nothing. Now, he should be glad to know, if the right hon. and learned Gentleman opposite, without any offence to him, had given any legal opinion upon the right of the corporation so to dispose of its funds? He repeated, it had been his intention to move an Amendment to add to the motion of the noble Lord, after the word "Ireland," that there be laid before the House a return of the several sums of money voted at a late meeting of the corporation of the city of Dublin, stating the names of the persons to whom granted, and the purposes for which granted, together with a copy of any by-law authorising the same. If the right hon. Gentleman opposite would say, that there was any such by-law, he would not now press his Amendment, but give notice and reserve it for to-morrow.

Mr. *Litton* said, that the hon. and learned Gentleman who had just sat down was wholly unacquainted with the facts of the matter which he had brought under the consideration of the House. He (Mr. Litton) did know something of them; and the matter stood thus:—At one period there was a decree pronounced by the Master of the Rolls in Ireland, which had been affirmed by the House of Lords, for the sum of which the hon. and learned Gentleman had spoken, or some such sum; but if he had gone a little further for information, he would have found that all the debentures on which that sum was found to be due had been paid to the public, and that not one shilling of that which the corporation had been found to be indebted to the public, was now due. He (Mr. Litton) had frequently heard from the other side, statements made without consideration or accurate information; and he was happy to be in the House to contradict the statement made on the present occasion, and to affirm, as would appear by a reference to the records of the Rolls' Court, that on a motion for a sequestration against the corporation, time had been given by the Master of the Rolls to enable the corporation to obtain funds, and that when that motion was renewed, the answer given was, "that the money had all been paid off, except a few thousands; and that, since, the debt had been altogether redeemed." He should not have risen in this debate, if he had not felt called upon by a distinct recollection of the facts he had stated to negative, in the most distinct terms, the statement of the hon. and learned Gentleman. On the question before the House, there had been such an abundance of discussion, that he would not protract it; but this much he must assert, that to those who opposed the proposed substitution for the old corporations, was not attributable that want of happiness and continued discord which prevailed in Ireland: it was attributable solely to the agitators of the country seeking to obtain, by bad means, objects of their own bad ambition, and who cared not what sacrifice they made of the happiness of the people in the achievement of those objects. He repeated, that every measure which emanated from that House, however sanctioned by unanimity, was made the ground of complaint by ill-minded agitators, for their own purposes. Even the Poor-law Bill, which had been hailed with delight here by hon. Members as a measure of benefit, and designed to ameliorate the condition of the poor, had been assailed by them in Ireland. Again, the tithe question, which last year had been settled by a great cession on the part of the Church—a cession far greater than many wished, but which was yielded to secure the settlement of the question—a cession by which his feelings had been outraged, for he never would have consented, and never could, conscientiously, assent to taking 25 per cent. from the clergy, but his friends and party had consented for the sake of settlement and arrangement—had also been re-agitated; and no sooner had the last Session of Parliament ended, than in every quarter of the country, agitation and Precursor meetings were held for the purpose of neutralizing all the good effects of that measure of conciliation, and of exciting the people against the clergy of the Protestant Church in Ireland. In the same manner, he repeated, had the Poor-law been condemned by those who here had supported it. To those, then, was attributable the misfortunes of Ireland—to those bad men who would not let Ireland be at peace, and not to those who conscientiously expressed their opinions of the necessity of maintaining the institutions of the country.

Mr. *M. J. O'Connell* wished the hon. and learned Member to state, if he could name any Irish Member who had supported the Poor-law Bill in that House, and had denounced it in Ireland.

Mr. *H. Grattan* said, new debentures had been given for the old debentures, and that the money had not been actually paid.

Mr. *Litton* repeated, that cash had been paid, and other securities had been substituted for the originals, and, that the creditors of five years ago did not exist.

Mr. *M. J. O'Connell:* Will the hon. and learned Gentleman give an answer to the question I put to him?

Mr. *Litton:* I certainly can name, if it be necessary. I have not the slightest objection to do so.

Mr. *Reddington* said, that the hon. and learned Gentleman had dealt very largely in assertion, but he would take the liberty of quoting the words of the hon. and learned Member against himself, and hoped that the House would guard themselves against taking the assertions of any hon. Member as true who had no authority for making them. He was one of those who supported the Poor-law Bill; but the hon. and learned Member for Dublin opposed it; and although that hon. and learned Gentleman had great influence in Ireland, yet he would defy the hon. and learned Member opposite to prove, that that hon. and learned Gentleman had done anything against the Poor-law in a spirit in which it ought not to be treated. With regard to the question brought forward by his hon. Friend (Mr. Grattan), he did not think, that the answer to it by the hon. and learned Member was satisfactory. He had stated, that a part of the debt was paid either by cash or some other Irish securities. He trusted the hon. and learned Member would not attempt to palm an assertion on the House as a fact, unless he was prepared to show, that he had some ground for it. With respect to the bill before the House, he begged to express his great satisfaction, that the bill of the present year so far exceeded in principle any former measure on the subject. The rights of the Irish people, and the justice of their demands, were subjects of too ordinary a character to be dwelt upon by him, but he would assure the House, that let the Legislature proceed in the fairest manner, and with the sincerest wish to give peace and contentment to Ireland, they never would see those objects realized if they attempted to persuade the Irish people to be satisfied with less than what justice awarded to them, and what it was their province to demand. It would be premature to advert to the details of the measure now; but he begged just to observe, that the borough which he represented was very unfairly dealt with in the Bill brought forward last year, and he hoped in the present measure it would find that treatment to which it was entitled.

Mr. *Litton:* I again assert distinctly, that the original debt which the hon. Gentleman stated had not been paid, has been paid.

Leave given.

Controverted Elections.] Lord *Mahon* said, that he rose according to his notice to move, that in the trial of controverted elections, the objects of justice, uniformity, and dispatch, would be best attained by a tribunal not consisting of Members of Parliament, and when he considered the weight and authority of those from whom he differed on this question, above all, his right hon. Friend the Member for Tamworth, whose abilities he so highly revered, and whose guidance upon other questions he was proud to follow: when he considered also the long parliamentary experience and constitutional knowledge of another right hon. Friend, the Member for Montgomery, then he felt ready to give way in reverential silence; but when he recollected, on the other hand, how enormous and intolerable were the present abuses, and when he reflected, that the remedies proposed played over the surface, but never reached the root of the disease; when he saw the absolute necessity of some effective remedial measure being at length adopted, and believing also, as he did, that the public feeling out of doors was in accordance with his own upon this question, then he felt not only encouraged to persevere, but inclined to hope, that the measure which he should submit, might receive the sanction of this House. In bringing this question forward he should earnestly endeavour to avoid whatever might tend to provoke political animosities or party feelings. Whatever opinion he might entertain, and he certainly did entertain a strong opinion as to the decision of particular committees, he yet on this occasion should refrain from discussing them, and he thought he should best discharge the duty he had undertaken, if he argued the motion he had to submit on general grounds alone. There was one point on which they were all agreed:—this was no party question. He trusted that was felt by every hon. Member. Each of the two great parties arrayed around him and before him had been reduced, and might be reduced again, to a small minority; each had, therefore, a strong interest to protect itself against being overwhelmed by numbers in controverted election committees; and this must be to each of them of far more importance than any little advantage that might be gained on either side by the continuance of the existing system in this or in the ensuing Session of Parliament. His right hon. Friend (Sir R. Peel) in the luminous speech with which he introduced this question to the House, on the 2d of April, last year, pleaded for this privilege on a ground on which he (Lord Mahon) was sorry to be opposed to him. His right hon. Friend told the House, that this was a privilege wrested, by the Commons from the Crown in the reign of Queen Elizabeth, in the case of an election for the county of Norfolk; and he said that ever since then the Commons had enjoyed that privilege uninterruptedly, and that its high antiquity and venerable origin were a strong ground for continuing it. As to the historical fact he was under the necessity of differing from his right hon. Friend. It was undoubtedly true, that a discussion, which arose in the time of Queen Elizabeth relative to a return from the county of Norfolk led to the establishment of this privilege on the part of the Commons; but it was a mistake to suppose, that the privilege had since that time continued altogether uninterruptedly to be enjoyed by the Commons. On this point he would venture to oppose to the opinion of his right hon. Friend, the statement of another eminent statesman, who had also filled the office of prime minister, and who was the founder of that law, under which the tribunal for trying controverted elections, was at present constituted he need hardly say, that he meant Mr. Grenville. On the 7th of March, 1770, Mr. Grenville observed—

> "That the present mode of trial is not warranted by the ancient usage of Parliament is well known to every Member conversant with our history, for even at so recent a period as the Revolution, triers were particularly appointed to determine on the merit of petitions, and these triers generally consisted of the most illustrious personages of the upper House of Parliament; but gradually to give their decision a greater air of solemnity, the whole House attended, though the triers were usually guided in their opinion by the law lords."

He trusted the House would not mistake his intention. He was not arguing for one moment that to refer controverted elections to the decision of the House of Lords, could be otherwise than a most unconstitutional and blameable proceeding. But his argument was, that that watchful jealousy of the Commons' privileges which his right hon. Friend had ascribed to our predecessors did not in reality exist, and that they were not disposed to refuse in some degree a concurrent jurisdiction over controverted elections, even to that place against which the very strongest objections should prevail. He would only further say, upon this part of the subject, that the opinion of Mr. Grenville would be found to be confirmed by several entries in the journals of the House of Lords. He would mention one or two only. On the 8th of May, 1661, "receivers and triers of petitions" were appointed; and on January 10, 1662, he found it was "ordered, that the judges be desired that they will appoint among themselves one of their number to attend the Lords' committee of petitions, on the days of their sitting, for their assistance." This he admitted, did not very fully bear out, but it certainly threw some considerable light on the opinion given by Mr. Grenville on this subject. When after the Revolution whatever might have been the case before it, this House claimed or exercised the right of trying controverted elections; at that period, he need scarcely mention, that election petitions were heard before the House at large, and not before a committee as at present; the whole House received evidence at the bar, and came to a decision without the solemnity of an oath, which decision was made nearly upon the same ground as any other party question. Much as they might think of the abuses of election committees of the present day they were infinitely exceeded by those which prevailed at that period. It might be sufficient to mention, that at the period of the resignation of Sir Robert Walpole, questions of controverted elections were brought forward for regular party discussion. No doubt whatever was raised as to the facts of the case; there was no dispute about the evidence received; no, the only question with each Member was this—"Does this return make for, or against the party, whom I support?" There was a remarkable instance of this in the opinion given by the son of the prime minister of that day, Horace Walpole, in a letter addressed by him to Mr. Horace Mann on the 31st of December, 1741. He wrote thus:—

> "The court will have a majority of forty—a vast number for the outset; for a good majority is like a good sum of money, it soon makes itself bigger. The first great point will be the Westminster petition; another, Mr. Pulteney's election at Heydon. It will be an ugly affair for the court, for Pulteney has asked votes of the courtiers, and said, Sir Robert was indifferent about it. But Sir Robert is warmer than I almost ever saw him, and declared to Churchill, of whom Pulteney claims a promise, that he must take Walpole or Pulteney!"

Such were the ideas of justice which in those days existed with regard to controverted elections. In fact, what was it that produced shortly afterwards the fall of Sir Robert Walpole? Was it any of those great questions which had agitated the country in the twenty years of his administration—was it the Spanish war, was it the Excise bill, was it the Hanover Treaty? No, Sir—

Finem animæ, quæ res humanas miscuit olim,
Non gladii, non saxa dabunt!

No, Sir, the fall of that great Minister was produced by a decision upon an election petition from Chippenham! That petition was decided on a party vote, and was carried by a majority of only one; and upon that one vote Sir Robert Walpole resigned. Such was the state of things when Mr. Grenville, thirty years after, brought forward his plan of reformation; and now, when they saw, that the law of Mr. Grenville must be further amended—now, when he supposed that there would be scarcely one voice raised to support the continuance of the system as it existed at present—let them at least do justice to the high and pure motives which inspired, and to the long-continued success which attended the efforts of Mr. Grenville. There was a remarkable statement on record of the motives of Mr. Grenville in proposing that act. Mr. Knox, who was Under-secretary of State, had left an interesting account of a conversation which he had with Mr. Grenville at Wootton, only a few months before Mr. Grenville brought in his bill, and less than a year before he died:

> "Mr. Grenville told me, that he found his health and spirits very much declined, that he had given up all thoughts of office and did not wish to take any active part in public business; and indeed, he continued, with a deep sigh, and putting his hand upon his side, I am no longer capable of serving the public. My health and spirits are gone. The only thing I have any intention of doing is, to endeavour to give some check to the abominable prostitution of the House of Commons in elections, by voting for whoever has the support of the Minister, which must end in the ruin of public liberty, if it be not checked."

It was with this motive that he proposed his measure in 1770. It was first made temporary, and afterwards made permanent. It subsequently received various changes and modifications in detail, with a statement of which he need not detain the House; but he must say, that he thought the Act of Mr. Grenville for a very long period, imparted substantial justice, and gave nearly universal satisfaction. All those Members who entered the House some fifteen or twenty years ago, with whom he had spoken on the subject, had borne witness to him, that at that period the Act of Mr. Grenville was considered to do entire justice, and that there was scarcely a murmur of discontent against it. Of course, here and there abuses might exist in that as in all human institutions—still, as a rule, that Act gave general if not universal satisfaction. If that were the case, what was the cause why that Act at the present day gave almost universal dissatisfaction? Why was it, that among the various opinions that might that evening be urged by Members of that House, not a single voice would be raised to advocate the continuance of Mr. Grenville's Bill? Why was this? He believed it to arise from the altered composition of the House since the reform of Parliament. Let the House just consider how that change affected election committees. Previous to the Reform Bill, there was a large body of Members returned by boroughs in schedule A., or by small corporations which were now disfranchised. This large body, amounting, perhaps, to 150 Members, not having to make any detailed declarations on the hustings, or to give any decisive pledges to their constituents, and not being liable to any direct popular responsibility, were not in the habit of attaching themselves devotedly to any political parties. The majority of them were considered impartial men. They might have their bias, but still, in general, they were ready to support measures either against the Minister, or against the Opposition, as the merits of those measures appeared in their minds to preponderate. That was undoubtedly the state of things existing in that House previous to the Reform Act. He was not going to enter into any political considerations respecting the change from that state of things; but, with reference to election committees, the result was this; before the Reform Act, in reducing names from the first list of 33, each party would, naturally, strike out the names of the more decided partizans, so that on the reduced list of eleven there were always at least two or three of those persons left, whose general opinions partook very little of a party character—who were men not of strong party attachments, and who, therefore, acted as a moderating power in the committee. It was not possible then as at present to pronounce beforehand with perfect accuracy, that there were six Ministerial members and five Opposition members on such a committee, that on another committee the Opposition had seven, and the Ministerial lists four; and no probable prediction could be hazarded from the unrestrained political bias of the majority. In former days, though it was possible there might be three or four decided Opposition Members, and three strong friends of the Government, yet there were also two or three Members who were not of any decided bias. The result was, that those few Members preserved the balance in the committee, and prevented a reckless and undisguised conflict between two directly opposite opinions. If the House would consider the effect of the presence of those few Members upon the election committees, they would find that whatever might be the result of their position upon other political questions, they undoubtedly did tend to effect a result upon the decisions of an election committee in the manner which Mr. Grenville contemplated when he brought his bill into Parliament. But the same materials no longer existed. He presumed that he should be guilty of no disparagement to that House, if he said, that they had now become nearly all very decided partisans. He believed, that there were not more than five Members of that House who were not connected with any decided political section. He did not think, that it was possible to name more than five. Every Member was now called on to declare his opinions without reserve on a popular hustings, and the pledges which they gave to their constituents debarred them from afterwards displaying that impartiality which existed among the Members of the smaller boroughs till the Reform Bill was enacted. He came now to the practical question, what were the evils which existed under the present system? The resolution of which he had given notice, stated the ends to be attained by Election Committees to be three—justice, uniformity, and despatch. He asserted, that under the present system not one of these objects was effectually attained. He could not argue the first part of the question, in consequence of the resolution which he had formed of avoiding a political discussion. He thought, however, that he might appeal to the general feeling of the House, which, he felt assured, would not allow his case to be damaged in his hands by his anxiety to avoid the occasion of a party discussion. He would take the liberty of quoting the words used by Mr. Grenville when he proposed the act; and he would leave it to the House to decide whether the description did not apply with equal force to the present time. The following words were made use of by Mr. Grenville on the 28th of February, 1770:—"Sir, instead of trusting to the merit of their respective causes, the principal dependence of both parties is their private interest among us, and it is scandalously notorious that we are as earnestly canvassed to attend in favour of the opposite sides as if we were not bound to act by the principles of justice, but by the impulse of our own inclination. Nay, Sir, it is well known that in every contested election many Members of this House who are ultimately to judge in a kind of judicial capacity between the competitors enlist themselves as parties in the contention, and take upon themselves the management of the very business upon which they should determine with the strictest impartiality. Thus we have frequently, I blush while I declare it, seen justice sacrificed to numbers, and oppression exalted on the shoulders of a giddy majority into the sacred seat of legislation." The second object which he sought was uniformity, and, if it were possible, this object had been more lost sight of than the former. The alternations were now such, that he did not hesitate to say, that even a consistency of injustice would be preferable to the system of constant change from justice one day to injustice the other. Let him, without deviating from the rule he had laid down, and without entering upon party questions, instance the two committees which sat on the returns for the city of Dublin. In the first it was decided that the payment of certain rates and local taxes did confer the right of voting, and the result was, that the hon. and learned Member (Mr. O'Connell) was declared not duly elected. A general election took place, the same hon. and learned Gentleman was again elected, the circumstances were precisely the same, but there was a different committee, that committee came to a directly opposite decision, and the result was, that the hon. and learned Member kept his seat. He was not saying which committee was right, or which wrong, but he presumed, that all would agree that they could not both be correct, and he unhesitatingly declared, that, with regard to the character of the House, with regard to the ends of justice, and with regard to public opinion, it would be far better to have decisions which were designedly wrong, than to have them first one way, and then the other. The third object was despatch, combined with the important object of economy. How was that affected? According to the present system, the duty of trying the merits of contested elections must be only subsidiary with Members of that House, their legislative functions, of course, being primary. Now a regularly constituted legal tribunal would make this its chief and paramount duty. The Committees at present met, at the earliest, at ten, and adjourned at four; whereas a legal tribunal could both meet earlier and sit later. Another still more pregnant cause of delay arose from the inexperience of many hon. members in the law. In some cases, for instance, which he had seen reported, it appeared to him that a very large portion of the time of the Committee was taken up by hon. Members asking the learned Counsel questions of law. First, they had to learn the law, and afterwards to dispense it. Bystanders, in fact, would be led to suppose, that what presented itself to their eyes was not a national court of justice, but rather an academy, where certain juvenile Members of Parliament were taking lessons in jurisprudence from some venerable gentlemen in a wig and gown. The system of "striking" tended still more to deteriorate the materials of which these tribunals were composed. The art of striking had, in fact, become a regular science. He (Lord Mahon) did not pretend to be more than an apprentice—he had not as yet been initiated into the deeper mysteries of the craft. One fundamental rule, however, was, that if, in the whole list of thirty-three, there should be found an hon. Member far advanced in years—affected by any bodily infirmity—he should by all means be left on that Committee. There was also a marked preference exhibited for very young Members, more especially for those who were known not to have made the law their study. Had any other instance ever been known to exist in civilized society where bodily infirmity and mental inexperience were considered highly favourable qualifications for the exercise of judicial functions? These, then, as he thought, were the evils of the present system. There seemed to him to be a total want of justice, of uniformity, and of despatch. He had next to consider what were the remedies which they ought to apply?—and here he came to an examination of the bill of his right hon. Friend the Member for Tamworth. He thought that all would agree, that great merit was due to his right hon. Friend for having turned his mind to this important subject amongst the many others which claimed his attention. He must say also, that there were some parts of his right hon. Friend's bill with which he cordially concurred. With regard, for example, to the question of election recognizances, he had not heard one dissentient voice in the House on that part of the scheme. And why was this? Because it went upon the principle which he was anxious to establish throughout, of putting the legislation entirely out of the House. With this part, as he had said, he cordially concurred, and if the House would give him leave to bring in his bill, he did not know whether his right hon. Friend would excuse the plagiarism, but he would gladly take several clauses, *verbatim et literatim*, relating to election recognizances out of the bill, and insert them in his own. On some other points, he (Lord Mahon) also concurred as he should presently explain, but with respect to the main principle of keeping the jurisdiction in election Committees of the House, and there seeking a remedy for the present evils, he must, with equal frankness and honesty, declare, that he did not agree. He thought that his right hon. Friend would find insuperable obstacles to the execution of his plan. Had the House considered how such a plan would operate upon the lawyers of that House—gentlemen whose profound learning and eminent talents made it an honour and a happiness to have them numbered amongst its Members? The Committee of six—the selecting Committee—suggested by his right hon. Friend, would be bound to appoint the best committees they could find, and could they then venture to omit the most able and useful men —such as his hon. and learned Friend, the Member for Reading (Sergeant Talfourd) on the one side, and his hon. and learned Friend, the Member for Ripon (Mr. Pemberton) on the other? Would not the Members of the selecting committee neglect their duty if they did not take those parties who were most competent? Did he understand that his right hon. friend intended to do this. [Hear, hear, from Sir *Robert Peel.*) Then let him point out to his right hon. Friend the great inconvenience, and the great difficulty, which they would inflict on the proceedings of the courts of law. Were counsel holding briefs to be summoned from their causes? If so, was the House prepared to incur the risk of debarring men of the highest eminence from becoming members of that House? He would show also how such an arrangement would affect their clients. Suppose he had a cause in which the two eminent gentlemen he had named were engaged as counsel, and they were suddenly withdrawn to an election committee could he at once find other counsel in whom he had equal confidence—of equal ability, or who would have an equal knowledge of the previous proceeding in the cause? He thought, therefore, that there would be a practical hardship of the severest nature, not only with respect to the learned Gentlemen themselves, but also with those whose interests they advocated. Would there not also be great difficulty in the committee of election appointing the secondary Committees? He could conceive that the committee of six could decide easily on the first six members of the other committee. They would choose three members on one side and three on the other, but how were they to decide with respect to the seventh? Who was to name him? Which party was to give way? Or was it to come to this —one party to say they would allow the other in the first Committee to put in the name of the seventh, on condition that they themselves nominated the last man in the next committee? That might produce in the main an equality; but that would not give justice. He was convinced that his right hon. Friend would never be satisfied with a mere alteration of party bias, first on one side and then on the other. Then again what opportunities of serving party interests might not arise in the selection of particular Members at particular periods? To give an instance; he was connected with property in the county of Derby—suppose then a contested election to arise in that county in the middle of a session, and his (Lord Mahon's) presence to be earnestly desired by the candidate on his side for his influence and assistance—would there not be a strong party motive to place him on an election committee, and thus prevent his leaving London for some days. This was only one instance, but such cases of various kinds would be constantly occurring. He did not say, that the party motive would often prevail, but there would be a suspicion excited; and in these matters suspicion inflicted nearly as much injury as positive proof. It would give rise to endless cavils and altercations. These were among some of the objections which he felt upon this bill. Feeling it as his duty, and knowing that his right hon. Friend would be the last person in that House to object to his taking this course; he would not shrink from the free expression of his opinion, and he was bound to state, that many who were, like himself, warm admirers and adherents of his right hon. Friend concurred in thinking that the Bill, however ably drawn and however excellently intended, would not remedy the evils of the present system. So far as he could collect, the opinion on that (the Opposition) side of the House—he did not know what sentiments prevailed on the other—was very general against it. He asked, then, why the bill of his right hon. Friend had failed to give general and universal satisfaction. Was it from any want of time for its preparation in him who never spared time or toil? Was it from any want of ability in one who was so confessedly preeminent. He would tell the House why the plan of his right hon. Friend had not succeeded. It was because he attempted what was impossible—because he attempted to apply the rules which prevailed in the old House to the altered composition of the new—because he had attempted to make a clean out of an unclean thing, because he had endeavoured to find the elements of a court of justice in an assembly of decided partisans. What was the practical grievance of which the Members complained? Why this—that they are party men, and therefore disqualified to be judges. Every Member felt, and he had a right to feel, strongly on party questions, and he was therefore incompetent as a judge on cases closely affecting those party questions. Was he or was he not stating the grievance fairly? If he was, then how were they to remedy the grievance by keeping the jurisdiction in that House? Would the diminution of the numbers from eleven to seven affect the evil complained of? Did they believe that any committee of six would be able to nominate an impartial committee out of a House, which was admitted to consist entirely of partisans? The objection, it is plain, lay not to the number of the machinery, but to the material. This brazen image which they had set up to worship under the name of "Privilege," let them melt it or mould it as they would, would be brazen still—they could never make it gold. Unless they could plunge into the recesses of the human heart, and pluck out its hidden feelings of partiality, or allay its smouldering resentments; unless they did that which no human being had yet effected; unless they could as with a magic wand call forth the living waters of good will, he was convinced that any measure which should continue in that House, jurisdiction in matters of controverted elections; would only be saved from being mischievous by remaining ineffective. But they were called upon to respect this system, because it was considered a great privilege which had been wrested from the Crown in the reign of Elizabeth, and which had continued uninterruptedly to the present time. On this point, however, as he had already stated, he ventured to differ from his right hon. Friend, he believed that he might even go further. In the time of Mr. Grenville, the opposition to his bill was moved on the express ground that by it the old privilege would be set aside, that it would abrogate important rights of the House, and give up all its ancient claims. Mr. Welbore Ellis, who led the opposition to it on the 30th of March 1770, declared that "it was an essential alteration of the constitution of Parliament, and a total abrogation of one of the most important rights and jurisdictions of the House of Commons," and having moved that the bill should be read a third time that day six months, he was supported by 123 Members against 185. So that the privilege in anything like its present form could only date from 1770. But supposing his right hon. Friend were wrong, and that he were right, were there no circumstances which had, since the grant of the privilege, arisen, and which might render a privilege, of great value then, worthless now. Had there been no change in the circumstances of the House since the time of Elizabeth? Was it not indicative of a long interval, and of an immense alteration, that a seat in that House, which was now an object of eager rivalry, was so little esteemed in the time of Elizabeth that several of the smaller boroughs sent petitions to the Queen, complaining of the burden and praying to be disfranchised. Danger then threatened us from the Crown. Did any such danger press now? Was there any possibility—observe, he said possibility, not probability—he would not be satisfied with probability that the same danger from the Crown which existed in the days of Elizabeth, could arise again? Was there any possibility of a recurrence to a time when a monarch could enter that House to seize the persons of five Members, and when the Speaker's predecessor, Mr. Speaker Lenthall, was kneeling on the floor before him. Was it in human possibility that there would be in the present or after times a recurrence to such a state of things? Why then he would put it to his right hon. friend the Member for Montgomery, why should they cling closely to the bulwark when the danger against which that bulwark was erected had utterly passed away? In his view, his right hon. Friend had turned his face to the east in the morning, to worship the rising sun of liberty, and now, when it had attained its meridian altitude, he was still turning his face eastward, supposing the sun to be yet there! He would yield to no man in respect for ancient institutions. He fully believed, that for the interests of the people themselves, there were few advantages in legislative wisdom equal to these two words, "time immemorial." When his public conduct had hitherto been attacked, it had been generally upon the ground that he had too great a leaning for ancient institutions. When a privilege had real antiquity to plead—when it had now popular respect—when it was free from practical oppression—there was no man who would be more reluctant than himself to part with it. But here all these three conditions were wanting. It was not one of certain antiquity, but rather of doubtful and shifting practice. Neither did it possess popular respect; whenever mention was made of a Parliamentary Committee of Election at popular hustings, it was received with one universal shout of derision. It was not free from practical oppression, but on the contrary, as he had shown, it had inflicted great and grievous wrong. He said, then, that much as he revered any ancient privilege, yet that if he found that either the one or the other stood in the way of equal justice between man and man, sooner than justice should be violated he would say, let privilege crumble into dust. He rejoiced to find that so many persons of reflecting minds out of that House entertained the same opinions as himself. Time was when the people cherished the privilege of that House as a safeguard for their liberty, but they now saw that it might be turned against themselves. Time was, when they raised no other cry but "privilege, privilege!" as they shouted around the coach of Charles 1st.; but the people now felt that this privilege might dwindle into an instrument for working injustice and silencing complaints. On this point he would be judged by themselves in this House. Let honourable Members survey closely any case of privilege which had occurred during the last eight or ten years; let them mark how cautious and timid had been their proceedings, and they would see that in truth the feeling was, that if they drew this hateful weapon they would only cut their own fingers with it and so they had prudently allowed it to slumber in its rusty scabbard. With respect to the law of privilege, Sir E. Coke calls it a law *a multis ignorata a paucis cognita;"* and Blackstone went on to say of it—"The maxims upon which they proceed, together with the method of proceeding, rest entirely in the breast of the Parliament itself, and are not defined and ascertained by any particular stated laws." Now, he humbly conceived that there could be no worse state of law than one where the maxims were not defined or ascertained, and known to few besides the oppressor and the victim. He had heard it stated, in defence of this privilege, that it was possessed by all foreign legislative assemblies; but he thought that this assertion rested on an unsafe foundation. Every member in France was exposed to a sort of election faction, but every petition was there tried by one of the general committees into which the House is divided; so that the system was even more objectionable than ours. With respect to the United States, it was well known that the elections were decided not only by ballot, but by something that approached universal suffrage; and the consequent disorders were such that it was almost impossible for the defeated candidate to petition with any chance of success. He thought, therefore, when they came to examine the analogies, of other free countries that they would be found warnings to deter, not examples to attract. If it could be shown, that the privilege possessed by that House of deciding a petition relating to controverted elections, carried with it any security to the House against any despotic design, he would at once admit that there was good ground why it should be continued; but, believing as he did, that it worked unmixed evil; believing that this evil was more the fault of the system than of any individuals; and believing that it had produced great dissatisfaction, and could not fail to give more, he called upon the House to renounce the privilege of deciding upon petitions ensuing out of controverted elections. He called upon them, in the name of justice; he was far from saying, that under the present system, or under that proposed by his right hon. Friend, justice would be always violated. He admitted, that the new committee might sometimes deviate into impartiality. But what he asked the House was, to establish certain and constant justice, instead of occasional and chance-medley justice. He entreated the House to remember, that impartial justice between man and man was the great object of society, and the main boast of civilisation; and he called upon the House not to neglect an opportunity not only of doing justice, but of giving a semblance and a reputation of it in their forms of proceeding. If he wished to characterise in a single sentence the main difference between a half-civilised age and a more polished state of society, he would say, that in the one the Government was always stronger than the law, whilst in the other the law was always stronger than the Government. The latter was now the case in England. Let them look at the proceedings in our courts of law, and comparing them with the same courts two centuries ago, let them see how eminently justice reigned. Why, then, should there be this single exception? Why were they to allow this single black point—this plague-spot of privilege to darken the surrounding expanse of judicial purity. It was impossible that Parliamentary Committees—which he did not hesitate to call the worst courts of justice now remaining in the world, could stand before the advance of enlightenment and knowledge; they could not long survive. They might triumph over him to-night—they might avail themselves of his inferior powers—they might array against him the lights and leaders of that House; but they might depend upon it the time was not far distant when they would be compelled by the popular voice to come round to his opinions when their baneful privileges would be wrested from their reluctant gripe, when what would now appear in the light of a graceful concession, would be wrung from them by overpowering necessity. They were the grounds on which he objected to the present system. He would next state to the House the project he had framed, and the plan he would propose; but he would expressly state, that any vote on his resolution would not involve an approbation of his plan. His resolution declared that the objects of justice, uniformity, and despatch, would be best attained by a tribunal not consisting of Members of Parliament; it stated the present system to be a burden; but those who with him stated this, would not be pledged to his precise plan by voting for his resolutions They might entertain any difference of opinion as to the details of his measure. His plan might be stated in two parts, the nature of the tribunal, and the nominating power by which it should be appointed; and he would begin, by stating what he proposed to be the tribunal. He proposed, that it should consist of three assessors, to hold their offices for life, who should have a certain number of years' standing at the bar as a qualification, and should receive an ample yearly salary. He proposed, that this court of assessors should, in the first place, be the court of revision and appeal from the revising barristers. He had not left himself much time to enlarge on this part of his plan, but it was a part of very great importance, for he thought that the present system under which the revising barristers acted, abounding, as their proceedings did, with contradictory decisions, while the offices, from their very nature, were filled by barristers not always of very long standing and experience, called aloud for some court of appeal or revision; by his plan, he expected to obtain the great benefit of uniformity in these decisions. He wished here to observe, that neither in the plan of his right hon. Friend nor in any other now before the House, was any such tribunal introduced or spoken of. He conceived also, however, that these three assessors might be considered as the legal assistants and advisers of this House, and he thought that it might be advantageous to refer to them the private bills which were brought before the House, which were frequently adopted and carried without due inquiry, although it must be perfectly apparent that many of them, from various circumstances, were of a character which rendered it doubtful whether they should pass. He mentioned this to the House, as an advantage which would be merely collateral to the general purposes for which the assessors would be appointed, and might or might not be hereafter grafted upon it, but an additional reason for his plan being adopted. He proposed, next, that this court of three assessors should have jurisdiction to try cases of controverted elections; their decisions as to the seat should be final, and in cases of general corruption appearing to exist in any boroughs, it should be their duty to report the circumstance to the House, exactly as the Committees were now in the habit of doing. Then there arose this objection, which must be strongly felt in any tribunal formed outside of the House, but the circumstance was unavoidable; that there was a glut of business relating to controverted elections at one time and a deficiency at another, as immediately after the termination of a general election there were many cases for consideration, while at a later period of the Session few presented themselves to be decided. Now, he conceived that the duties of this court in attending to the occasional election petitions which would occur in every year, and also as a court of appeal, for the revising barristers, would fully occupy their time, at the same time that they would enable them to give their decisions upon all such cases as should be brought forward. But, then, another provision was necessary to be considered, in order that there should be no want of attention, and of a means of deciding the cases, after a general election; and he proposed that, when a general election had taken place, if the assessors themselves should consider the press of business to require them to procure assistance, they might address an application to the House, and the parties who had had the power of appointing the original assessors (to whose nomination he should presently refer) should also be authorised to appoint two special assessors to each original assessor; and they being joined together, should conjointly have the power of holding three courts; these special assessors to be also nominated from among the number of legal gentlemen of a certain standing, but their appointments to be only special, and thus these three courts might go on conjointly, each presided over by one of the original assessors, and formed by him and the two assistants, referring all points of abstract law to the original officers, however, so as to produce uniformity in the points of law decided. Thus he conceived, that a tribunal would be formed fully adequate to transact the business of the House, while, by the assistance of the special officers, any extraordinary press of business would be prevented at the moment. Then came the question by whom the assessors should be nominated. For his own part, he confessed, that he should have no objection to see them appointed by the judges, for he thought that the objections which had been urged to the judges trying these cases would not apply to the mere nomination of assessors, but as he had found that several persons whose judgments were to be highly respected, had objected to the Judges being called upon to mix themselves up in any manner with the question, he had abstained from including that regulation as a part of his plan. With these preliminary observations, he begged to say what was the nominating power which he proposed. He was fully disposed to take from the Bill of his right hon. Friend near him (Sir Robert Peel), as much as he could conscientiously approve of, and to recommend that a committee of six should have the power of appointing the officers. His right hon. Friend would, he hoped, admit, that if he were committing a plagiarism upon his plan, that he was also candid in avowing his thefts. He proposed, then, that at the outset of every Session, Mr. Speaker should name the committee of six. The words under which this should be provided should be, that a "committee should be chosen fairly and impartially from the whole House, one at least to be a Minister of the Crown, and should be divided by Mr. Speaker into two classes, class A and class B, each class consisting of three persons." Those were the words which might stand in the act. Then his object was, that in class A there should be one Minister of the Crown, and two leading Members on that side of the House, but in class B there should be three Members, selected by the Speaker, who might fairly be said to represent the feelings of the other side. This committee, then, would be equally balanced, and it was to these persons that he proposed that the nomination of the assessors should be given. It would naturally occur to hon. Members, that if this committee should be appointed with that candour, which might be expected from the individual whom he had suggested as the proper person to nominate them, there would not be much fear of their coming to an improper decision in the choice of assessors; because, the weight of party would be equally balanced among them. But as it might happen from that very circumstance that they could seldom agree upon a choice, he would suggest this mode of appointment by the committee. On the first occasion, the Minister of the Crown in class A should propose the name of a person duly qualified as an assessor for the appointment, and if he were agreed to by five out of the six, the choice should be considered to be confirmed—if not, then the Minister of the Crown should propose three other names to be referred to class B, and that class should have the power of selecting one of them. On the next occasion, the Minister of the Crown should again propose the name of an individual as an assessor, and if he were not agreed to by five of the six, then the first person nominated by the Speaker in class B, should propose names to be referred to class A, the members of which should have the power of selecting one as assessor. Then he would wish it to be considered whether, by this management of classes, the influence of parties would not be as far as possible neutralised, and whether the assessor would not, in fact, be in such a position as that he could not consider his appointment as a favour from one party more than the other. He would clearly owe equal favour to each for his selection, since the one had selected him to insert him in a list of three, and the other had preferred him to the other two competitors upon the list, and therefore, he would enter upon his office with an equal share of obligation to each of the parties. He conceived, therefore, that in this manner any influence of party in the appointment would be, as far as possible, balanced, and it was his belief, that among the six gentlemen who were nominated there could not exist any difficulty; but he had further to propose, that the Speaker and also the Committee should also act under the sanction of an oath of fair and upright intention. He was not sure whether he had been able to express himself sufficiently clearly; if not, it was in consequence of his plan being complicated; but if that complication were an objection, he could not only say, that the very question of plans which should have the effect of neutralising party, necessarily implied the necessity of complication. Montesquieu had truly said there was nothing simple but despotism, and those institutions by which liberty and justice were best preserved, were made up of many guards and checks, which nevertheless acted in a most useful and harmonious manner. He had now stated the main points of his scheme, and he would only make this further observation which he considered to be important in connexion with it, that all plans which he had seen proposed to the House were mainly defective in this, that they gave no protection to a very weak minority, whereas the weaker the minority, the more it ought to be protected from oppression. Now he begged to say, that under his scheme the three members being selected from the opposite sides of the House, whatever the numbers of ministerial or opposition parties, each party might expect equal justice, and this was of such importance that it was one of the chief reasons which had induced him to frame his present measure. He must say, too, at the same time, that notwithstanding the very great care with which he had guarded the appointments to this tribunal which he suggested, he had that faith in the legal profession, and trusted in their integrity and honour so highly, that he believed when any members of its body were appointed assessors, by any nominating power whatever, there would be found more scrupulousness and more correctness in the discharge of their duties, than there would be found in any case decided within the walls of this House. He hoped the House would excuse him if he again stated, that the resolution he should move was not one which must bind them to adopt his plan. He had stated his scheme fully, because he thought it fair to give his right hon. Friend the same advantage over him (Lord Mahon) which he had already obtained over his right hon. Friend, of knowing his details, but at the same time his object was to combine those who were determined to put an end if they could to the present state of things, and who thought almost any system of trial out of the House better than almost any within it. On this point he was determined to try the disposition of the House. He could not conclude without once more earnestly appealing to the conscience of every Member who heard him, entreating them to remember that to provide equal justice in election trials involved not merely their interest as politicians but even their honour as gentlemen. He entreated every one to stand firm against the weight and authority of the opposite leaders in that House, unless he was really convinced in truth and conscience that the arguments for retaining the jurisdiction were well founded. If any one, deterred by the inadequate manner in which he had brought this question forward, or swayed by the far superior eloquence which would presently be pointed against him, decided against what he yet felt to be the weight of evidence and argument, he asked would it not be a fitting retribution for such a vote, if he himself, after the next general election, should undergo the tender mercies of those very tribunals which he should have affixed and perpetuated upon his fellow-men? Would it not be a fitting retribution that the same measure which they meted unto others, the same measure should be meted out unto themselves? And then perhaps, when they actually felt the hardships which they now refused to see—beggared perhaps by ruinous expenses—ousted of their just rights—stripped of all redress, and destitute even of the power of complaining—then perhaps they would have to acknowledge as the sharpest aggravation of their sufferings, that their own error, their own vote that evening, produced them, and that like the struck bird who viewed his own feather on the fatal arrow—

> "Keen were his pangs, but keener far to feel
> His was the pinion that impelled the steel!"

And what consolation would it then be to them to be told, that while members of that House they might luxuriate in the enjoyment of its "inestimable privileges," or that, in the opinion of his right hon. Friend the member for Tamworth, they had rigidly adhered to the precedent of Queen Elizabeth? He himself was not unacquainted with the hardships of these tribunals. It was scarcely six years since he had to stand a trial before a committee, every one of whom, all the eleven, consisted of his decided political opponents. Did he mention that now in order to impute any unworthy conduct, or to awaken any slumbering resentment? Far from it. If he had any feelings of bitterness upon that subject, he trusted that they had long since passed away. He alluded to it only because having experienced, or thought he experienced, the disadvantages of the present state of things, he felt doubly bound in his conscience to avert, as far as in him lay, those disadvantages from others, and to become, if he could, the humble instrument and harbinger of a better system. In bringing this question forward, he had done, as he conceived, his duty; he trusted the House would now do theirs.

Mr. *Wrightson* rose to oppose the motion of the noble Viscount. He did not mean to follow the noble Lord through the whole of the statements which he had made, but he thought, that the House should pause before they parted with the power which they possessed, and which they had so long exercised. He thought, that if the proposition which had been made were acceded to, the great moral weight which this House ought to possess with the country would cease to be maintained, for they would admit, that they who were sent there to watch over the laws, and to frame new ones, were utterly unable on their oaths, from factious and party feelings, to support their dignity, and to maintain themselves free from partiality and injustice. To accede to this motion would be to cast an indelible stigma upon their name, and he sincerly trusted, that the House would not lend its countenance to such a proceeding. The motion was doubly unnecessary after that which had been brought forward by the right hon. Baronet opposite in the last Session. He agreed with the right hon. Baronet in the belief, that errors existed in the present system which it would be difficult to remove, for the right hon. Baronet had pointed out intrinsic errors of great importance; but he entirely differed from the noble Viscount in the idea, that the plan which he had proposed was at all calculated to remedy those evils, weighty and burdensome as they were. It was undoubtedly incumbent on the House to grapple with the errors which were committed, and to endeavour to get rid of them; but there was a possibility of that being done without the removal of the jurisdiction from within those walls. The right hon. Baronet had shown how it might be done by reposing confidence in Members of that House, by selecting them in a proper manner to try the election petitions; and every one must know the difference between the feelings entertained when people were treated with confidence or otherwise. The election laws doubtless wanted consideration, in order that a series of sound precedents might be established; but still cases would occur where unhappily election committees must be appointed, and where decisions would be come to upon which evil precedents would be formed. Upon this point he could not but revert to the proposal of the hon. Member for Liskeard for the appointment of assessors, which would go far to compete with the plan of the right hon. Baronet. He would not give these assessors a vote on the committees; but he would throw out a suggestion, that committees might be permitted to reserve points of law to be disposed of before the then assessors, and when they had come to a decision, which the Committee might adopt or not, it should be placed on the records of the House; and if it should appear that any abuse of this system should arise by the absolute refusal to receive such decisions, he should propose that they might be received at the desire of one-third at least of the Committee. By this means he thought that uniformity of the decisions would, in a great measure, be produced; and the same effects might also be secured by allowing any points raised to be fairly and openly discussed, which would prevent any false decision from being taken as a mischievous precedent. He hoped that the House would handle the question firmly, and that it would join heart and hand in endeavouring to remedy those evils which it was admitted existed. He put it to hon. Members, whether it would not be much more to the credit of the House to work the reform within themselves than to go elsewhere; and whether it would not be better to come to some resolution by which an amended tribunal should be formed within the walls of the House, than that they should be obliged to deny themselves even the virtue of deciding in cases in which they were themselves concerned, confident as he was that integrity and honour were all that were required to render the tribunal complete.

Mr. *Pemberton* would not detain the House for more than a few minutes. The question before them was, whether the defects arose from the way in which the committees were formed, or whether in their very nature they were not imperfect. In cases of election committees, every question, in every branch of law, no matter how abstruse, came under the consideration of its Members. He need but refer to a recent case, in which an hon. Gentleman was unseated by a decision involving a nice point of conveyancing. He did not know whether there were any lawyers on that Committee; he believed not; but he would ask how it was possible that a tribunal made up of men who never devoted their time to matters of law could arrive at a correct decision upon such subjects? They might be right by accident, but it was impossible they could understand the nature of the questions which came before them. The fact was, the House had not the means of doing justice, and therefore could not administer it. What were the qualities required in any tribunal; strict justice, rigid impartiality, great knowledge, and undisputed authority. Could such requisites be expected in a tribunal composed of Members of that House? A Member of that House might be a lawyer, but he must of necessity be a partisan; it was the very condition on which he entered the House and acquired the privilege of voting. Thus the condition of his election formed the strongest ground of disqualification as a judge. What were the consequences of such a state of things? Why, that the trials of election petitions were often protracted to a great length, and attended with enormous expense to the parties—an expense greatly exaggerated by the ingenious delays of counsel. It was notorious that positions were often advanced by counsel before the Election Committees which no man could, in the presence of a lawyer, sustain for a moment. How was it possible that these Committees, having no knowledge of the subject they were called on to try, no authority over the parties before them or the counsel conducting the case, could come to a just decision? How was it possible that trials should result otherwise than it was notorious they had done last Session? The same thing happened in Lunatic Commissions. These commissioners were presided over by lawyers of inferior standing in their profession, men of no weight—in fact these tribunals were a disgrace to the country. What was the consequence? The opinions of such lawyers went for nothing, they were overruled by the superior talents and weight of the counsel pleading before them, and the proceedings were protracted to any length at the pleasure of the parties. This did not result from any partiality or corruption on the part of the parties called on to decide, but merely from want of knowledge of the subject brought before them. This defect seemed to him inherent in tribunals such as the election committees of the House of Commons—a defect which led not only to gross injustice, but often to enormous expense. The question, then, was, whether they could get rid of so monstrous an evil, not by altering the judges, but by altering the mode by which the tribunal was constituted. He thought it was utterly impossible. Two plans had been proposed to the House last Session, one by the hon. Member for Liskeard, the other by the right hon. Baronet, the Member for Tamworth. The right hon. Baronet proposed to select a permanent tribunal, composed of Members of that House, including the lawyers. Now, though he did not wish to claim any exemption for the members of his profession, he very much doubted whether such a selection, including the lawyers, would achieve the desired object. He entirely agreed, that either plan would be an improvement on the present system. Of the two, he should prefer that of his right hon. Friend. But what assurance had they, in the first place, that when they had appointed the lawyers—who must necessarily belong to one party or the other—that their legal knowledge would have any weight with the opposite party, or that the Committee itself would be guided by their opinion? If they appointed an assessor with merely a right to give his opinion, the Committee might dissent; and if they appointed legal Members of that House, did they expect to find, in any Parliament, half-a-dozen lawyers of whose impartiality and legal knowledge the House and the country would have such an opinion as to make their decisions satisfactory to all? Further, he would say, that nine out of ten of the lawyers practising in the courts in which he had the honour to practise—the Court of Chancery, for instance—were ignorant of the questions brought before Election Committees. But suppose they could get five or six lawyers in the House competent and satisfactory, were they to be placed on all Committees? By the plan of the right hon. Baronet, any Member sitting on one Committee might claim an exemption from the rest; but even if that were not the case, they could not serve on all. It was supposed, that lawyers, on a Committee, would have such weight as to guide the decisions of that Committee; but he remembered a case in which Sir W. Grant and Sir F. Pollock divided on different sides. He did not wish to give the slightest offence to hon. Gentlemen on the opposite side, but it would be in the recollection of the House, that there had been a decision of a Committee, including eminent lawyers, on a Scotch election which was far from giving satisfaction to the country. There was another decision of a Committee—one, too, the impartiality of which could not be impeached, because by it a Tory Committee displaced a Tory candidate, and because the Committee was presided over by an individual pre-eminent for talent; but still that decision was generally disapproved of. He could not forbear, with these facts before him, expressing his opinion, that neither the appointment of an assessor or the selection of professional Members, would gain the confidence of the public or afford a hope of justice to the parties. Now, all these objections would be remedied by the resolution proposed by his noble Friend. He valued that plan for its great collateral advantage of affording a check on the decisions of the revising barristers, and for its more important result of doing away with the present Election Committees. He believed, that the appointment of a tribunal of the sort proposed by his noble Friend, by which election petitions and private bills would be investigated, would put an end to all the complaints of partiality now loud on both those matters; and that, so far from its wanting full employment, as some Members apprehended, he thought the only question was, whether the tribunal would be sufficient for the discharge of the duty that would devolve on it. There was, in fact, no question about privilege; the question was, whether they were to have a tribunal worthy to decide, or one wholly deficient in the requisite knowledge. It had been suggested, that they would find as much difficulty in getting impartial judges out of the House as in it—that the lawyers out of the House were as bad as the professional Members of the House; but he believed in the first place that persons in that House, moving in an atmosphere of political excitement, thought that persons out of the House were much more inflamed in their political feelings than they really were; and, moreover, he had not the slightest doubt that there were plenty of eminent lawyers out of the House who cared very little in what hands the Government of the country was placed, and that there would be no difficulty in getting a tribunal capable of giving impartial judgments, and totally free from all political bias. But take the opinion of a lawyer of that House, and he would as soon have his right hon. and learned Friend opposite to decide as his hon. and learned Friend beside him. It was a very different case when a lawyer was called on out of that House to decide on a point of law, and when he was sitting in it on a confessedly partial tribunal. In his opinion the appointment of impartial committees was a question involving the dignity of that House. What was the plan now proposed for that purpose by his noble Friend? Did it interfere with any privilege now exercised? Did they now exercise the authority so much prized in their own person? No, they exercised it by deputy; and that was the very point his noble Friend was now taunted on as interfering with the privileges of the House—an objection existing in the tribunal as at present constituted. His noble Friend did not propose to do anything more than they did at present; they delegated their authority now, and they were simply asked to change the mode of this delegation. His noble Friend proposed to them to appoint certain persons to inquire on their behalf on the merits of a question on which they themselves were afterwards to decide; and the only question was, not whether they were to delegate their authority, but whether they should delegate it to a competent or incompetent tribunal. He confessed when he remembered the scene which had occurred last Session, to which the exercise of this privilege had led—when he remembered those painful scenes, not only painful with respect to hon. Members of that House, but to persons who appeared at their bar—when he looked back at those scenes, he must confess that it appeared to him that they would consult the character, the respectability of that House, and their own comfort, by delegating their authority to persons who would never permit such scenes as those to which he alluded. Every one remembered the indignation with which those scenes were viewed by the public. There remained only one objection to the plan of his noble Friend; it was, that, if they parted with their jurisdiction on election petitions, they would never again recover it. Now, if there was one thing more than another in which there was an absence of danger, it was this. There was no danger of the other portions of the Legislature attempting to prevent them deciding on their affairs—there was no danger of the authority of that House being interfered with by the Crown or the other House. It was impossible to look abroad on the present political aspect of this country, and of Europe, without seeing that, whatever might be the danger to be apprehended for the liberties of the country, or the powers of that House, that danger would not come from the monarchial or the aristocratic portion of the Legislative. It was impossible not to see that the tide of public opinion was now setting strongly in favour of popular democratic Government, and the danger was, not from the encroachments of the aristocracy or the Throne, but that that tide might become so potent as to overwhelm in its progress every vestige of the Constitution. He could not see that the slightest danger was to be apprehended from the plan his noble Friend had introduced, and for this reason—believing that they never could constitute an impartial tribunal out of partial persons—that they never could introduce into that tribunal, as at present constituted, the degree of knowledge and impartiality necessary—believing that these advantages might be secured, he would support the resolution of his noble Friend. He believed that the House would best consult its real dignity by increasing its utility, by showing that they did not set up their privileges in opposition to justice, but were willing to rest their claims on public approbation in adopting every mode by which the public interest in election matters would be best consulted.

Sir *R. Peel* wished, that his noble Friend had read the whole of Mr Grenville's speech. He did not himself pretend to remember it very accurately, indeed, it was but imperfectly reported; but as far as he could venture to speak of it from memory, he thought, that Mr. Grenville, in a few sentences after the paragraph relating to triers, said, that from a very remote period, and certainly from an early period in the reign of King James, the House of Commons had determined to exercise that privilege for itself. Very eminent writers on the constitution had declared, that the power of determining who were Members of Parliament was a privilege of the House of Commons, and that it was a very important privilege; and all popular assemblies had confirmed this notion of its great importance by the singular fact that all of them, without exception, had determined, that the right of jurisdiction in all controverted elections should be seated, as a matter of course, in the assembly itself. When Mr. Hume spoke of the attempts made by Queen Elizabeth, and afterwards renewed by King James, to claim for the Crown the power to issue writs, and to decide on the right to hold the seat—after mentioning the successful efforts of the Commons in resistance to such a claim, he said,—

> "A power like this, so essential to the exercise of all their other powers, themselves so essential to public liberty, cannot fairly be deemed an encroachment on the part of the Commons, but must be regarded as an inherent privilege, happily rescued from the ambiguity which the neglect of some former Parliaments had thrown upon it."

That was the opinion of Mr. Hume upon the importance of this privilege. He, therefore, thought, that his noble Friend was not quite correct in asserting, that the House of Lords, or even, that a committee of the House of Lords, had ever had a right to decide on the petitions affecting election returns. Again, in the year 1624, the House of Commons, by a resolution entered on its journals, declared that it was its natural and undoubted right to examine the validity of all elections and returns. At the period of the Revolution a similar declaration was made, and by the act of the 7th and 8th of William 3rd ., the last determination of the House of Commons as to its right to examine into the validity of elections was made public. But his noble Friend had hit upon some resolution contained in the journals for the year 1661, a period, by the bye, when the House of Commons, and popular rights were not in high favour with the country, in which he found some precedent for the right to seats in the House of Commons being tried by the House of Lords. His noble Friend had said, that "there were triers of petitions appointed by the Lords." But the appointment of triers by that assembly did not show that the House of Lords had taken upon itself the power of determining the right to seats in the House of Commons. It was easy for his hon. and learned Friend near him to say, that their privileges might in these days be relinquished without danger, and that there was more peril to them at present from the democracy than from the monarchy or the aristocracy. In that way, however, all their privileges might be argued away and gradually abandoned. His hon. and learned Friend appeared to consider that he had successfully demonstrated that there would be no difficulty in the constitution of this new tribunal. That was the very point on which he placed, and on which he wished the House to place, the greatest stress. He said, "Don't come to any abstract resolution until you have solved all the practical difficulties of the subject. Let us see your bill, and let us argue it clause by clause. We are to have three lawyers appointed as judges, who are to hold their situations for the term of their natural lives; who are to be independent of us; who are to decide on the right of voting; who are to decide on the right of seats in Parliament; and who are to have some power of controlling legislation on private bills. I am not certain that these three lawyers, who will be very important Gentlemen in the House, from being irremovable, and from having a right to decide upon our seats, will not soon become very important authorities in the country." And what was the satisfaction which his hon. and learned Friend gave him for the success of this new tribunal! Let the House hear: "the present tribunal for election petitions," said his hon. and learned Friend, "is the very worst in the world. The one which approximates the most closely to it is that for trying lunatic commissions. And why is it so unsatisfactory? Because the judges in it are lawyers, the worst judges in the world after our election committees. And why are they so? Because they are men not eminent in their profession, and because the counsel who plead before them are their superiors in public repute and estimation." And yet his hon. and learned Friend, after language like that wished to have a lunatic commission for the House of Commons. He was to have three lawyers appointed as judges, who were to hold their situations for life, and who were, of course, to be in the receipt of large salaries. Would his hon. and learned Friend venture to affirm that these three lawyers would be able to perform the duties of their station at that period when it was most important that they should perform them—namely, immediately after a general election? If those three lawyers should be sitting, as they might be, for three months on one case of controverted election, all the rest of the election petitions must of necessity fall into arrear. But his noble

Friend had a suggestion to meet that inconvenience. Each of these three independent and irremovable judges was to be at liberty to choose two journeymen judges. They were to be employed occasionally, and these two inferior judges were to sit along with their superior, in this new-fangled tribunal. What security have you that you will get eminent men for this temporary duty? Evidently what took place on the Lunatic Commissions, would take place before this tribunal. The counsel practising before it would be superior to two-thirds at least of the judges; and thus the authority of the judges would be inferior to that of the counsel with the country. The same consequences would follow then, as followed now—their adjudications would not give satisfaction. It might happen, that they were contradictory, and then the same objections would be urged against them, as were now urged against those of the Committees of the House of Commons. One word more as to these three judges, who were to hold their situations for life. The time must sooner or later come when they would begin to suffer under the infirmities of age. They would, however, be fastened upon the House, and there would be no possibility of removing them. There would be a feeling, that they were honourable men—that they were men of intellect; and yet there would be a conviction, that their powers were failing. Who, then, would have to determine whether they ought or ought not to retire? Was their retirement to be decided by a majority of the House of Commons? He took it for granted that the House would not allow the Crown to dismiss a judge of its appointment. What authority, then, must give a failing judge the hint to retire? If it were to be a majority of the House of Commons, they would open the whole question of political interference. The judge might possess integrity, impartiality, independence, learning, competency; but when his powers began to decay, the painful question would arise as to who should suggest to him the propriety of retirement? He wished to see all these matters regulated in a bill. The noble Lord had referred to his six Members of Parliament to be selected from the House of Commons for a certain purpose. He said they were to have the selection of the judges but they were to have no power to superintend their decisions or to remove them when they became incompetent from age. He could not help thinking, that if his noble Friend were obliged to resort to a combination of parties in the House of Commons for the alternate selection of his judges or triers, it behoved the House to consider whether it did not contain materials for the constitution of a safe and honourable tribunal. His noble Friend had referred to the description of the House of Commons before the passing of the Grenville Act. But he (Sir R. Peel) might refer to the description of the House for forty years after it; he might refer to the universal satisfaction which it gave during that time; and thus he might show, that those materials which under one constitution had worked nothing but injustice, had under another constitution, met all these questions of law and worked universal content. He believed the reason why the present tribunal was unsatisfactory plainly arose from the mode in which the House now constituted them; they infused party feeling into the origin of the proceedings; and continued that noxious element to the end. The summoning Members to the ballot, the custom of striking, the whole selection of the committees, the exclusion of lawyers, and of the good sense of the House, had a tendency to make the test utterly unsatisfactory. The impeachment lay not upon the honour and integrity of the House, but the unsatisfactory mode in which the tribunals were constituted. His noble Friend said, "Will you commit the enormity of making a lawyer serve upon these Committees?" Most certainly he would; and he would say to every lawyer, "If you choose to be a Member of the House of Commons, the first demand upon you, is to perform the duties of a judge upon an Election Committee." He would not bind a lawyer more than any other man; he did not want to take any unfair advantage of his professional talents and knowledge, or to lessen the fair gains he might expect to derive from his legal pursuits; he would not force him to be a Member of the House of Commons; but if that lawyer deliberately presented himself as a candidate for the suffrages of a constituency, and were chosen to represent them in the House of Commons, he should not allege the loss of his professional emoluments as a bar to his serving on a Committee. But the lawyer might say, "My clients will suffer." Why, if they had fair notice, that the lawyer was subject to take his turn to serve upon an Election Committee like other Members, and that persons more competent than the generality of Members, were not to be excluded on preferring a plea of business in another place, and if they then chose to employ him, they did so at their own risk, and could not in justice complain. Yet surely to oblige one lawyer to decide on probably only one case during a whole Parliament could not be so great a demand on his time and trouble as to subject him to much inconvenience, or to entail on his clients the loss of his professional assistance. But it was clear, that if the lawyer of high professional attainments so far preferred party attachments, or the large arena of public life, to the dulness of professional labour, that he sought to enter the House of Commons, that House had exactly the same claim on him to contribute the amount of his professional knowledge and experience in the performance of a public duty as it had on any other Member, however inferior his attainments. He did not consider it necessary on the present occasion to enter at any length into the case, or discuss its details minutely: There was not time to examine the features of his own plan; he had brought in a bill, as his noble Friend well knew, last Session, and if his noble Friend thought, that that bill would serve his purpose in any degree, or be of any use to him, he would be most willing to relinquish it to him, especially after the spirit his noble Friend had shown to-night, and the ability with which he had argued the question. Neither he nor his noble Friend could be influenced by any party feeling on this subject. His notions regarding it were once not far different from those of his noble Friend; but, whatever they might have been, they now widely disagreed. What he had said on the question of privilege he would say now—that whatever his opinions might have been as to the original construction of the body that was to decide on disputed points, he would not allow them to influence him on a question of this kind; but he would ask the House if they would be pursuing a wise and cautious course in the opinion of the world by allowing it to go forth to the public that they were unfit for the satisfactory performance of their duties? He should not explain the provisions of his own measure, nor enter further into the plan of his noble Friend. He had only made use of it for the purpose of inculcating on the House the necessity of seeing the whole bill, and examining the various modes proposed of solving the practical difficulties that presented themselves, before consenting by an abstract resolution, to deprive itself of a power it had so long enjoyed. If they parted with this privilege, so long possessed and exercised, fought for by the House in former times, and defended by the most eminent writers as a safeguard of the public liberties, let them depend on it they ought to place their motives on record—they ought to state in the bill sent up to the House of Lords the reasons why the present House of Commons thought fit to relinquish a jurisdiction asserted by their predecessors. If they felt absolutely convinced that the interests of justice required it, if to that frightful alternative they must come, at least let them not rush to it precipitately or lightly; let them solemnly declare in the preamble of the bill the grounds on which the House of Commons solicited the intervention of the Lords. They were to leave the House of Peers in possession of the privilege of determining their own Members, but they were to approach that House and ask them to assist the Commons in depriving themselves of a power which, by their own confession, they were incapable of wielding. On a former occasion, by way of manifesting his desire to co-operate with his noble Friend on this question, he had submitted to him a draught of what he thought was a proper preamble for the bill in contemplation; and he now begged leave to recommend the following sketch to his noble Friend, as incorporating the views of the movers of this proposition:—"Whereas this House hath in former times considered the power of deciding in all matters relating to the election of its members as a privilege essential to the maintenance of its independence, and hath uniformly resisted all attempts at encroachment on its right of jurisdiction; but whereas it hath become notorious that the House of Commons hath, particularly since the passing of the Reform Act, grossly abused this privilege, that it is no longer worthy to be intrusted with it"—[*Laughter*]. Can you shrink from this? Can you avoid the degrading confession? "and whereas the House doth accordingly penitently acknowledge its unfitness and uncleanness, and, despairing of the possibility of purification, doth consent, from a deep sense of its unworthiness, to relinquish this honourable privilege, and place it in some tribunal more honourable, more impartial, and more worthy of the public confidence; be it therefore enacted," &c. Could they deny that that language was not too strong? Let them go with this humiliating acknowledgment in their mouths, if after mature reflection they felt persuaded that no modification of the present tribunal would answer the purpose of justice. That ought to be the paramount consideration; but again he said, before you put on record the resolution which was to lead to these consequences, you must require the bill to be produced which is to constitute the new tribunal, and compare it with other measures which propose to reserve to the House of Commons its present jurisdiction under an amended system. He agreed with his noble Friend that the power of the House over the country did not depend on privilege, but on the force of public opinion, and it was therefore that he implored them to consider the means of amending the plan now in use, which he thought defective, and calculated to weaken their hold on public confidence. He submitted it as a matter of anxious apprehension whether the House of Commons would not inflict on its consequence a fatal blow, if it should be compelled to proclaim to the world that while the House of Lords retained the privilege of deciding on the right of its members to sit within its precincts, the Commons of England were so hopelessly corrupt, so infected with the spirit of party, that all attempts at improvement were useless—that as men of honour, as men of common sense, and common intelligence, they must declare themselves unfit to do in this Parliament the duty which all former Parliaments had performed. Would they do this? Would they in the condition of suppliants apply to the united wisdom of Parliament to relieve them from duties of which they were incapable, relinquish a jurisdiction to which their ancestors attached great importance, and transfer it to other hands on account of their own unworthiness and incurable imperfections? Entertaining the opinions that he did on the subject of Reform, while he remained a Member of that House, he should consider that he adhered most closely to the true principles of that Conservative policy he embraced, by standing as long as he could in the ancient ways of the constitution, and maintaining the respective powers of the state in the due possession of their authority and privileges.

Mr. *Bernal* had little to say on the present occasion, but felt, that he should be wanting in duty to himself if he did not express his opinion on the subject before the House. He considered that his noble Friend deserved great credit for the manner in which he had brought the subject forward, and expressed his opinion on it, and he did not think that the ridicule that fell from the right hon. Gentleman who spoke last was any argument against the main part of his noble Friend's speech. He could not forget, that if they changed the mode of constituting the present tribunal, they would not change the component parts of it, nor the elements of which it was formed. He would ask, whether an oath was still deemed necessary? Did the right hon. Baronet propose to get rid of the oath to be taken by the members of the tribunal? Was it still to be said that in the minds of six hundred and fifty-eight gentlemen an oath was not regarded as something binding? Would the reduction of the number of the Members of the tribunal secure more regard to this sanction? Would they, by reducing the number, increase the feeling of the obligation of the oath in the minds of those who took it? If they did not get rid of the difficulty about the oath, it would be of minor importance whether or not they reduced the number of the members of the tribunal. He did not agree with the opinion expressed on the other side of the House, that all the difficulties on this subject had arisen since the passing of the Reform Act. He denied that this was the case, for he had been long enough in that House—now nearly eighteen years—to recollect many similar complaints of a similar kind to those now made, and where the same doubts were stated and the same objections urged against the constitution of the tribunal. He recollected that soon after he came into Parliament he acted as nominee on an election committee, and on that occasion, in consequence of a decision which the committee came to with regard to frivolous costs, the late Mr. Tierney thought it to be his duty to get up in his place in Parliament and call the attention of the House to the subject. So striking were the anomalies of the subject at that time, that Mr. Tierney departed from his usual cautious course, and stated, that the constitution of the tribunal did not give satisfaction. This was not a singular case in which complaints were made, as he recollected many instances of a similar kind. Indeed, as long as the present constitution of the tribunal continued, he feared one party would ever complain until the end of the chapter. But it would ever be the case where the majority of the members of the tribunal were thought to have a strong political bias. The House was not then called upon to decide upon either the plan of the noble Lord or that of the right hon. Gentleman; but it was, in the first place, called upon to state that it was its deliberate opinion that the system acted upon did not work well at present; and, secondly, that it would not work well as long as the present tribunal was continued. There was one of the evils of the present system, however, which had not been sufficiently considered, and which led him to the conclusion that they had begun at the wrong end. What he meant was, that they must reform the statute book on this subject. So long as they had vacillating and contradictory statutes on this subject, they would have uncertain decisions from the tribunal which had to try the cases. The statute book, with reference to treating, bribery, and other matters that were referred to election committees, were most contradictory, and were often little more than traps to catch the unwary. He had no hesitation in saying, that the statute book in matters of this kind was in a disgraceful state; and no tribunal having to determine on contested elections would possess the confidence of the country until some changes were made in the statute book. He would challenge any lawyer, in that House or out of it, to give a satisfactory decision as to what was or was not treating. If they referred cases of this kind to the first lawyers, they would have contradictory decisions on the present state of the law; he therefore maintained that they were beginning at the wrong end. He should be much gratified if he saw an attempt of all parties, without distinction, to remove this blot from the Legislature. He knew that it would be a most laborious task, but he trusted that either a committee would take up the subject, or that a commission of the most eminent legal authorities would be appointed to diligently examine all the laws on the statute book on this subject, and from them to draw up one clear and definite law on the subject of treating, bribery, and other similar matters, instead of having nearly 500 scattered through the statute book. He contended that a committee should at once be appointed with a view of at once devising a mode for remedying these manifold evils, and if this were done he thought that it would wipe away many of those stains that appertained to the present system. He regretted that the right hon. Baronet had not proposed something to this effect. [Sir *R. Peel* did so last year.] He was not aware of this; but regretted that the right hon. Gentleman had not persisted in his suggestion. [Sir *R. Peel:* It was a question for the Government.] He did not agree in that opinion. The Government had many great questions to occupy its attention, and he did not allude more to the present than to former administrations, but equally to all governments, whether in the present year or in 1829; and this was a question which it was peculiarly the duty of the House to take up. It was not a question to be taken up by any particular party, but by the House in general. There could be no doubt that there was a taint on their present proceedings, as regarded this tribunal, and as long as this taint continued, and the course which he had just suggested was not followed, he had no other resource than to grasp at the motion of his noble Friend. He thought that it was comparatively immaterial, whether the tribunal consisted of eleven or of only six Members, as long as there was a want of confidence in the tribunal. The right hon. Gentleman asked, whether the House would agree to a resolution which was condemnatory of its own character. He would ask, whether this opinion had not already been pronounced, if not by the House, at least by the country. Had the right hon. Baronet forgotten, that at the commencement of the last Session, in almost every newspaper, there were comments *usque ad nauseam* on the proceedings of the Election Committees, and complaints of all parties of the decisions they came to? Did the Members of the Committee take the oath under the plea that they were ignorant men, and not being either equity lawyers nor common lawyers, that whatever decision they came to, they did not incur any penalty in the eyes of

God or man? Would the right hon. Gentleman show to him, why the oath to be taken by the Members of the tribunal should be more binding on the consciences of six men, than on those of eleven men? If the moral obligation of an oath was not found binding on the consciences of eleven Gentlemen, he could not think that it would produce any great moral effect if they struck the number of Gentlemen down to six. With reference to the lawyers, it often happened that a Committee had the benefit of having a member of the legal profession on it; but it did not appear that this made any great difference in its decisions. He agreed with the right hon. Gentleman, that the House was entitled to the services of lawyers, Members of that House, in these Committees, and he did not see why they, any more than other Members, should be excused from serving. In the observations that he had made, he had not alluded more to one side of the House than to the other. He saw no other remedy to get out of the dilemma in which they were, than to have a careful digest of the statutes on this subject; but until this was done, and properly done, he thought that the most advisable course to pursue was to adopt the plan of his noble Friend.

Mr. *Williams Wynn* agreed most entirely with the hon. Gentleman opposite, when he stated that they were beginning at the wrong end. He did believe, that it was the first duty of the House of Commons, if it wished to improve the present manner of deciding questions arising out of contested elections, to look through the law of elections as it stood on the statute book, and at once to decide the disputed points. He wished, more than any thing, that out of their discussions that evening some plan should originate. During the period that the Reform Bill was in agitation, he had proposed to the then Chancellor of the Exchequer, Lord Althorp, to separate those parts of the measure which related to the formation of new constitutions of the elective bodies from those which related to registration of votes, and to bring in the latter, as a separate measure, at a later period; because that was a part of the plan which could not properly be investigated by the House in the existing state of parties, but which might have been advantageously referred to a committee up stairs; and he had always regretted that this course had not been followed, because there were many points regarding the registration, on which great confusion and difference of opinion existed at present, which might have been rendered more clear, if not settled at once, by means of investigation before a committee. He recollected, too, at that time, urging upon his noble Friend, Lord Althorp, the policy and justice of bringing in a declaratory bill, for the purpose of deciding some of those points on which parties were wont to differ as the voters of trustees; where the distance of seven miles was to be measured from; whether the decisions of the revising barrister were to be final or not final; all which were points that it appeared to him essential should be settled by the decision of the Legislature. With respect to the proposal to constitute a tribunal of appeal, in order to a final decision of disputed points, which would in itself, it was said, prevent the necessity of further legislative alterations, he must say, he thought the best course for the House to adopt was to appoint a select committee to consider fully the disputed parts of the election law. As to the question of bribery, he did not think it would be possible to effect any very extensive change; because, in questions of this kind, the law and the facts were usually so much mixed up together, that it was most difficult to frame any general measure for the remedy of the evils, great as they unquestionably were, of the law as it at present stood. At the period of the Reform Bill he was sanguine enough to hope that, by the establishment of numerous polling places, an end would be put to the system of refreshments to voters, and also to charges for conveyance; and if he had sat on an election committee soon after the passing of that bill, and the question of entertainments had come before him, he should have decided that refreshment of every kind whatever, was treating. This he stated, and stated freely. He had known persons who had maintained, that a candidate who lived in his own county, unless he locked his doors, and prevented his voters from coming in and taking a glass of beer, or eating a bit of beef, was guilty of treating; and the committee ought to look upon this as treating. But with respect to the resolution of the noble Lord, he felt that a resolution embodying and pledging the House to an abstract proposition, was the most unfit measure that could possibly be selected to effect the noble Lord's views; it was most unfit to say, that the House is dissatisfied and disgusted with the present system, without saying what they were to do to amend it. If the noble Lord would bring forward the measure he had in view, he, for one, would give it the fullest consideration, but, to be called upon to affirm a principle of this sort, was what he was not prepared for. With respect to what had fallen from the noble Lord in reference to the triers of petitions appointed by the House of Lords, he was obliged to differ from the view of the question adopted by the noble Lord. True it was, that the House of Lords had, in very early times, and did yet, appoint triers of petitions, but not, that he was aware of, for the purposes supposed by the noble Lord. These triers of petitions were appointed so long ago as the reign of Henry 4th, when (it being the custom, as appeared, to name some of the judges) we found the name of Sir John Gascoigne, Chief Justice of England, at the head of the list. These triers were appointed just as they now were, and for similar objects. Next in the journals came the list of receivers of petitions; there were also the triers of petitions for Brittany, and the triers of petions for Gascony. The right hon. Gentleman, read various entries, in Norman-French, from the Lords' journals, with a view of showing, that these officers had never had any relation to the elections of Members of the House of Commons; in his opinion the quotation of the noble Lord from the speech of Mr. Grenville in reference to this subject, ought to have the less weight with the House, because it was most unfair to look to the published debates of that period as conveying the least idea of what really passed in Parliament. The debates were especially defective from the middle of George 2nd's reign, down to 1774; privilege was insisted on at that time, and it was, in consequence, quite impossible to tell whether what passed was correctly reported or not, more especially as the debates were not published till long after the interest in them was quite gone; but when the noble Lord stated, that the cognizance of questions of elections was founded upon, comparatively, recent resolutions of that House, he thought the noble Lord must have overlooked that part of the speech of Mr. Grenville, of the 7th March, 1770, where (as was reported), he said—

> "In this House committees were constantly chosen to examine into elections; and in 1672, the Chancellor, having claimed the right of deciding contested elections, the Commons ordered a committee of 200 for that purpose, and resolved, that all who attended this committee should have voices. The establishment of committees has continued ever since; but during the time that the late Mr. Onslow presided in that Chair, the admirable order with which he conducted business, as well as some irregularities which took place in the committees induced such as wished for a candid trial, to be heard at the bar of the House."

With respect to the question which had been put by the hon. Member for Rochester in asking whether the House had any more reason to trust to the oaths of a committee of six, than of a committee of eleven, he was disposed to go further, and ask, why, if an oath was really found to have no effect on the conduct of Members of that House, they were to suppose, that an oath would be more binding upon a jury, or any other set of men? The hon. Gentleman (Mr. Pemberton) had said, that lawyers felt, to a great degree, unbiassed, either one way or the other, when placed upon these committees. Now, it was long since he left the profession, but he must say, that as far as his means of judging extended, he thought, that a lawyer was as liable to have a bias on his mind as any other Member of that House. He felt much aversion to the proposal of the three judges. These triumvirs, if appointed as it was proposed they should be, would, in fact, be made the fourth estate of the realm, and by no means the least powerful estate of it. Then they were to hold their offices for life. Now, it deserved to be considered that it was possible these judges might fail of giving satisfaction to the House and the public, and that long after they might have wholly lost their credit and character for impartiality it would be impossible to lay a finger on cases of partiality so full and clear as to enable the House to address for their removal. But on the question of impartiality, he must say he thought, that if parties were less nearly divided, there would be a much greater tendency than at present to impartiality in the decisions of their election committees. He certainly thought, that the present tribunal for the trial of controverted elections had ceased to give that satisfaction which was desirable. He, for one, was far from being disposed, however, to give his assent to the bill of the noble Lord which proposed to amend the present tribunal. He should wish the noble Lord to move his bill, and let the House see what it was. He wished extremely, that Government would adopt some measure for the appointment of a tribunal of appeal in decisions, so as to make the decisions arrived at final. Many other measures he thought might be suggested of a secondary nature for the purpose of obtaining agreement amongst the Members, which would not, by the arrangement suggested, be insured, as each person would support his own opinion.

Sir *R. Inglis* concurred in the principle of the proposed bill. He thought, that the existing system was bad, and ought to be amended. He submitted to his right hon. Friend, that his own preamble might be applied to his own bill. It was not necessary for them to state, that they were essentially corrupt; but it would be necessary for them to state, for the purposes of the bill of the noble Lord, that they had always acted corruptly, or at least in a majority of cases; unless that were the case, there would be no necessity for his bill. Unless the House was prepared to make some alterations, whether they had the bill of his right hon. Friend or of his noble Friend, it mattered little. He was glad that his hon. Friend, the Chairman of the Ways and Means (Mr. Bernal), had thrown out a suggestion in this Session, to which he had begged to call the attention of the House in the last. He was not afraid of any decision that the judges appointed might come to. He believed they might trust to their jurisdiction their lives, their honour, and their property—that property on which depended their political influence. If they could trust the decision of the judges of England in the case of that property, why not trust to them in the decision of cases connected with the exercise of the power which that property gave them. There were several considerations which particularly recommended such a tribunal more than any other. He was certain that some change must take place. Even his right hon. Friend, the Member for Montgomeryshire, was satisfied that there must be some change. There were also other considerations, which had weight in relation to the appointment of the judges as the legal tribunal for the trial of controverted elections. They possessed a knowledge of the law, which could never be supposed to be found in any inferior members of the profession. He would ask, if it could be gravely stated, that the election tribunals, as now existing, were distinguished for their knowledge of the law relating to Parliamentary elections. He said they were distinguished, not for knowledge of that law, but for ignorance of it. He said, that a tribunal so constituted of the judges, would possess that general knowledge of the law which would properly guide them. He would suggest, to have this provision embodied in the bill. He threw it out as a consideration which, in his opinion, was not unworthy of notice, that eight additional judges should be appointed; that the judges should take circuits, which would lessen the existing expenses of the investigation. The investigations should take place on the spot, which would save all the expense of bringing witnesses to London. He believed, in an election case last Session, 200 witnesses were brought up and kept in London for many weeks. He would not refer to any details; they might probably excite animosity: but he might mention this as an historical fact, that 200 witnesses were kept last Session for several months in London. Would not all that expense be saved by a circuit of judges? They would get justice from the character of the judges; they would get uniformity of decision also; and they would get despatch and save expense. Without pledging himself to anything else, except the abstract proposition then suggested by his noble Friend, he would state, that there were behind the resolution plans, that the House might hereafter sanction. Upon that ground, he trusted, that his noble Friend would not withdraw his resolution, but give the House the opportunity of deciding upon it. He trusted, that a majority of the House would give his noble Friend an opportunity of bringing forward his resolution.

Lord *John Russell* thought the course which had been taken by the hon. Gentleman opposite rather a singular one. The hon. Gentleman did not say to the noble Lord who brought forward the proposition, "This is a proposition which I am ready to support and to recommend to the House: I do not say there may not be better plans, but let us hasten to shake all confidence in the present tribunal; let us tell the country that no justice is to be got from an election committee; and let us not care about leaving it in doubt when or how we are to get a better system." Until something better was tried of the existing materials, he did not believe that that was a course which the House ought to adopt. But still farther to shake the constitution of the country, his hon. Friend proposes that the power of judging elections should be given to the judges, and that six or eight should be added to the number of these judges. Now he had the highest respect for the judges and for their decisions on the cases at present brought before them; but if there were any increase of their number, and if they should be continually expected to try political cases, if they should try the case of the hon. Member for Dublin, or the hon. Member for Westminster, or any other political case respecting which a great deal of excitement existed, then he would ask whether it was likely that the general reverence, the universal respect, now paid to the judges could any longer be experienced? He now came to consider the proposition made by the noble Lord, and he must say he could not go with him either in the tribunal he would establish, or in the remedy he would propose. It was not necessary, after the speeches of the right hon. Gentleman, the Member for Tamworth, and the right hon. Gentleman, the Member for Montgomery, that he should go into the history of these tribunals. He thought they had fully established a contradiction to what the noble Lord had quoted (probably a mutilated and ill-reported extract from Mr. Grenville's speech), that from the time of Elizabeth and James 1st, down to the present time, when the noble Lord made his proposition, these powers had been regarded by the House of Commons as indispensable to their privileges and interest in them. In the well-known discussion on the great case of Abbott v. White, in which the most considerable persons of the time took a part, the Lord Chancellor Cowper, Lord Chancellor King, Sir Joseph Jekyl, and many others who had seats on the judicial bench—in that great discussion the right of this House to try questions of elections was fully decided, and what was the resolution come to? "That according to the known law and usages of Parliament, it was the sole right and province of the Commons House of Parliament, excepting in cases otherwise provided for by Act of Parliament, to examine and determine on all cases relating to the election of their own Members." That privilege they claim as one, which should, on no account, be taken from the House of Commons. When parties were very much divided in this House, as in the case of Sir Robert Walpole, to which the noble Lord alluded, then, no doubt, from the heat of party, it was found that the House was not a fair tribunal to try those questions. Afterwards Mr. Grenville proposed his scheme, by which the tribunal was still kept in the House of Commons, but which improved its judgments by intrusting election questions to a select body of the House of Commons, instead of to the whole House. The noble Lord admitted, that for a considerable time that plan worked well. But he (Lord John Russell) must say, that the cause given for this appeared to him a very fanciful one. The noble Lord had said, that as there were a certain number of Members for close boroughs who were not party men, and that being on election committees they contributed to the impartiality of the decisions. Now, if there were any regular party men on one or the other side of the House, they were generally these very Members. There were, indeed, in those days, a number of persons who did not take so violent a part as was commonly taken at the present, but those persons were invariably county Members. He could allude to different names, but it was not necessary to go into that now, of persons generally siding with and favouring one party more than another, but who often gave their decision in a particular case against their own party; but these were not Members for close boroughs, but representing large and open places, such as Nottinghamshire and various other large constituencies. He did not, therefore, see any great loss in the close boroughs. But we were now come to a state of political affairs in which parties were so nearly divided, that one voice more or less was of very great importance to different political parties. It was very different when one party was 400, and the other but 120. Those who numbered 400, could very well afford to lose one or two, and it mattered little if a division raised the minority to 121 or 122, and therefore there was not that heat and passion which the present state of things produced. But it remained to be proved, that the near decision of parties and the considerable degree of dissatisfaction which existed with the decisions of the House were permanent and incurable disorders, which should make them agree with the noble Lord in removing the decisions entirely from that House. The various evils which existed before the Grenville Act found a cure in it for a long period, without going out of that House. He was not sure that the right hon. Gentleman, the Member for Tamworth, might not propose some plan which, after receiving due consideration from that House and all parties, might again for forty or fifty years conciliate respect for the decisions of a tribunal composed of Members of that House. If that were the case, and there was reason to hope it, let them not agree to the resolution of the noble Lord. Let the noble Lord, if he wished, show them how a tribunal might be formed from the Members of that House better than that proposed by the right hon. Gentleman, but let them not condemn every tribunal of the House of Commons until they had an opportunity of examining the right hon. Baronet's plan, and of seeing whether it could be made the foundation of an improved judicature in respect to elections. With respect to the noble Lord's plan, he confessed that like others he was not satisfied with it. In that respect he agreed with his hon. Friend, the Member for Oxford, who, though he approved of the resolution, was not satisfied with the plan—that plan, no doubt, was very ingenious—the Speaker was to take an oath. He did not know how his hon. Friend, the Member for Rochester, would reconcile that part with his feelings about oaths; but the Speaker was to take an oath, and was then competent to name six Members of a Committee. One could imagine that he might very well name six trustworthy and excellent Members of the House of Commons. But considering the division and changes of party in that House, he did think that the Speaker, with the utmost endeavours to act impartially, and to give satisfaction, might find difficulties beyond his power to surmount. But the three Members of class A were to select three names, of which the class B was to take one. The class B was to name three of which class A was to take one. And, then, they had two judges. But he doubted very much whether there would be any power in the whole country competent to settle the remaining point. He had not heard the noble Lord himself meet the difficulty—and it was the whole problem—how the third was to be chosen. They had one judge, indeed, from class A, and one from class B, but there was the third, and on that third, in his opinion, depended the political complexion of the whole tribunal. On that he did not hear a satisfactory explanation from the noble Lord. It might be explained now. But he must say, for his own part, that he did not believe a tribunal so constituted would be very free from political bias. But all eyes would be turned on that tribunal, and we should hear one party or the other very soon proclaiming it an unjust, unfair, and even a corrupt tribunal. Let them consider the additional evils which would be thus incurred. There might be an election Committee at present on a particular case, and persons might complain during its sittings of the unfairness of its decisions; but the Members would soon return to their position in the House, and be regarded as equal with the other Members in the honour and integrity of their conduct. Their decision in Committee might be blamed, but their general integrity would remain unimpeached. But with regard to a permanent tribunal, it would be a constant mark for all objections to be aimed at. And if once it acquired the name of partial and unfair, its whole decisions would be vitiated. Every case referred to them would be said beforehand to be about to be unfairly and partially decided. These were his reasons for not being satisfied with the plan of the noble Lord and his hon. Friend, the Member for the University of Oxford, and above all for refusing to agree to the resolutions proposing a sweeping condemnation of the character of the House before any feasible plan for creating a tribunal within the House were examined. He would refer, before he sat down, to one or two other propositions alluded to by the right hon. Gentleman opposite. There was a proposition made by his noble Friend, the Member for Lancashire, last year, that a Committee, consisting, he believed, generally of legal Members of the House, should consider the disputed points, and agree upon them; but it seemed to him not very likely that such Members, considering their professional engagements, would be able to attend the Committees. [Lord *Stanley*: the Committees were not to consist of legal Members.] If such Members did not at all or but little attend, the decisions would then be decisions of a very small number, and would not carry the weight they ought to have. It should likewise be considered that this matter could not be exclusively determined by that House; and there might be difficulties in obtaining the assent of the other House of Parliament to a Bill for deciding this point. There was one proposition, however, which had been alluded to, and to which he had always been very favourable—that was, the proposition for having a court of appeal from the decisions of the revising barristers. He did not know why there should not be a court of appeal, constituted by act of parliament, from the revising barristers. Such a court deciding in cases which in fact would not regulate any election—three or four doubtful votes in a constituency of three or four thousand—would be able, without very great disputes or suspicion, to settle the law, and lay down rules of such authority, that they would have very great weight in subsequent decisions of election committees of the House of Commons. He certainly was still of opinion—first, that improvement might be made with respect to the decisions of revising barristers, which at present were exceedingly varying; and secondly, that decisions laid down by such a court as he had mentioned, might be beneficially referred to when questions of a similar nature were discussed, but the ultimate tribunal he would always wish to be a committee of that House. If the House wish to entertain or favour that proposition, he should be very glad to assist in bringing it regularly under its consideration. He did not say that he was entirely adverse to the proposition of his hon. Friend. But when he was asked to take a part in it, he certainly could not be very sanguine in his hopes of success. He thought that several propositions might be made which would have the effect of rendering the law more clear and simple. He thought that the decisions of revising barristers might be improved, that great improvement might be made by an appeal, such as the right hon. Baronet proposed to introduce. It was a subject to which they might most usefully give their time and attention; and certainly he hoped they would employ themselves in the endeavour, before they utterly despaired of the amendment of election tribunals, or consented to a final resolution similar to that of the noble Lord.

Mr. *Kelly* said, this was a subject in which he had always taken the greatest interest, and on which he had bestowed no little time and attention. The question was undoubtedly of the very highest importance. It was at all times of importance that any institutions connected with the administration of justice should be so constituted as to insure the confidence of the country; and it was now undeniably clear that the election committees of this House had lost the confidence of the people. The election committees of this House had not only lost the confidence of the people, but they had even brought discredit and suspicion, and reproach upon this House itself; and this was a truth which could no longer be disputed. When it was considered that this was proclaimed loudly by the public voice, the only remaining question to be determined was, how that great and grievous evil could be best remedied? Many objections had been made to what was somewhat vaguely if not erroneously, called a transfer of the jurisdiction of this House. Before it was assumed that this House was about to part with any of its privileges, or any of its jurisdictions, he would ask the preliminary question, whether this House had not already parted with all the jurisdiction it ever possessed over the trial of controverted elections? It was scarcely necessary to enter into the history of the establishment of the privileges of the House; but w atever might belong to those privileges, they could not claim the merit of such remote antiquity as others which were possessed by the House. It was well known that for no less than two or three centuries preceding the reign of Elizabeth, the right to amend false returns, and determine all questions in the nature of controverted elections, was vested in the Crown. It was exercised by the Crown either by the Privy Council, the House of Lords, or the Judges, or sometimes by the mere exercise of the power of giving directions to the Sheriff at once to amend the return. Hapily for the Constitution of the country—happily indeed for the liberties of the people, the House of Commons as early as the reign of Queen Mary, attempted to secure to itself the jurisdiction of all returns to Parliament, and in the struggle which terminated in favour of the House of Commons as late as the reign of James 1st the jurisdiction became generally settled and recognised in this House, and in this House, no doubt, it continued unimpaired until the year 1770, when the Grenville Act passed. He might be allowed, perhaps, to vindicate his noble Friend from the imputation of having fallen into an historical error when it was supposed the House still permitted the question of controverted elections, to go to the House of Lords. He believed that that had arisen from a typographical error in the report of the debate of 1770, because no doubt when his learned Friend referred to historical documents he would find that the very latest of them when the question was raised as to the exclusive right of this House to determine all returns, was the reign of James 1st in the case of Sir Thomas Godwin who was returned for Buckingham. A dispute arose concerning his return. A claim was made by the Crown, first, by the Lord Chancellor—afterwards by the Judges—ultimately by the House of Lords, to settle the question of disputed returns. The House of Commons fortunately persisted in claiming to itself the right of determining all questions of that nature, and finally prevailed—the pretensions of the Crown were withdrawn, and from that time till 1770 no question was raised as to the exclusive rights of the House. They all knew, as early as the year referred to by the right hon. Member for Tamworth, the 8th of William the 3rd, the exclusive power of the House was recognized by the Legislature. But this was no longer a question. The House having assumed and long exercised this power, it was found for several years before the Grenville Act passed, that this House was altogether incompetent to discharge the duties it had assumed consistently with the administration of justice in the kingdom. It was found, that although then, as now, there were many eminent lawyers in the House, that then, as now, this House was an Assembly of the first Gentlemen in the kingdom—still, it was not possible to administer justice to the satisfaction of the people—it was found, that although counsel were engaged, and witnesses were examined at the bar, the whole took place before empty benches, and it was only when the division took place that Members rushed to their places to vote. In consequence of that state of things the Grenville Act was passed, and he would seriously beg to ask the House, before they raised such strong objections to whatever called for the transfer of their own jurisdiction, had they not by that Act of Parliament parted with all their jurisdiction? The motion did not seek to deprive the House of the power of compelling the attendance of witnesses, or of compelling the production of documents, and of punishing delinquency. At present the House had no power of controlling or qualifying the decision of committees from the moment of their appointment—they had no power over them whatever. It appeared to him, therefore, in vain to talk of the jurisdiction of that House when that jurisdiction was already transferred to the committees to whom the election petitions were referred. The important question was this—was an election committee competent to the due administration of justice upon the oaths of those sworn to administer? It was not; and whatever might be the bill of his right hon. Friend, and however superior it might be to any other not yet suggested, even that bill would fail to constitute a tribunal from that House competent to administer the law. In order to determine the question whether an election committee was competent to administer other justice, they must first consider, what were the duties that committee had to discharge. It had to decide upon the most difficult and complicated questions of law. The right hon. Baronet who, with his transcendant abilities, was capable of turning anything into ridicule, had endeavoured by a supposed preamble, to show that, by adopting the motion of his noble Friend, the House would be inflicting something like an insult upon itself. He begged leave to say, with all respect to the House, that it was no more an insult to the House not being a legal tribunal, to say that it was incompetent for the decision of complicated and difficult points of law, than to say it was incompetent to conduct an army, to navigate a ship of war, or to amputate a limb. Another difficuly arose from a total absence of any uniform decisions — there were no authorities of previous committees binding on tribunals of the same nature; that was an evil that called aloud for a remedy; and the consequences were such that no man who considered this question could fail to look at it with deep regret. He would take the great and important question of the opening of the registration on Irish petitions. If that had once been decided, there would have been a government principle for every tribunal, afterwards. If that question had been satisfactorily determined, at the first moment it was raised before an election committee, that would have prevented an expense almost incalculable—would have prevented a great number of petitions from Ireland—would have prevented argument after argument, day after day, on various committees, and would have prevented that which was far more discreditable—a series of conflicting decisions, so that at the present moment no counsel could safely advise what the decision of a committee was likely to be. He hoped the House would look to past experience, before they rejected the plan of his noble Friend. He sincerely regretted, that the experience of the last few years, with respect to committees had been such as to create the greatest dissatisfaction, amounting, in fact, to absolute condemnation by the public of those tribunals; and he trusted, that some mode would be adopted by which the confidence of the people would be restored.

Lord *Mahon* replied—As to the historical controversy which had arisen between him and his right hon. Friends, (Sir R. Peel and Mr. Wynn) he begged to remind the House that he had never denied, that the privilege of trying controverted elections had been vested in this House, in the reigns of Elizabeth and James the first. His argument was, that their predecessors had not always shown the watchfulness and jealousy for which his right hon. Friend had formerly praised them, and that the privilege had not continued uninterrupted from those times to the present. He believed, on the authority of Mr. Grenville, that at the Restoration amidst the loose ideas of constitutional rights which then prevailed, the Commons had allowed the Lords to take some share in the jurisdiction of election petitions. It is further stated by Mr. Grenville, in his speech of March 7th, 1770, that in 1672 the Lord Chancellor had openly claimed the right of determining controverted elections, upon which the House of Commons were moved to reassert their ancient privilege. His argument was merely against the unbroken succession claimed for the present jurisdiction by its supporters as one ground for retaining it. His right hon. Friend, the Member for Montgomery, had advised him to withdraw his resolution and bring in his bill. But he thought it would be only a waste of the time and attention of the House to bring in a bill if its main principle were not previously assented to by the majority of the House. Did his right hon. Friend mean to say, that any perfection of detail could reconcile him to his (Lord Mahon's) principle of jurisdiction? No, his right hon. Friend would say—and have a perfect right to say—"I can find no fault with your clauses—your plan may be well contrived, but I think the jurisdiction should remain with the House, and I will not consent to part with it." He (Lord Mahon) should therefore persist in taking a divison upon the principle embodied in his resolution.

The House divided: Ayes 63; Noes 177: Majority 114.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Aglionby, Major
Archdall, Mervyn
Barron, H. W.
Bateson, Sir R.
Bernal, R.
Blackstone, W. S.
Blewitt, R. J.
Bradshaw, J.
Brownrigg, S.
Chapman, Sir M. L.C.
Christopher, R. A.
Cresswell, Cresswell
Dennistoun, J.
Dundas, C. W. D.
Dungannon, Viscount
Eaton, R. J.
Egerton, W. T.
Fector, J. M.
Fitzroy, hon. H.
Forester, hon. G.
Freshfield, J. W.
Gibson, T. M.
Glynne, Sir S. R.
Gordon, hon. Capt.
Grattan, James
Hall, Sir B.
Hawes, B.
Hutt, W.
Jervis, John
Jones, J.
Kelly, Fitzroy
Kinnaird, hon. A. F.
Knatchbull, right hon. Sir E.
Knight, H. G.
Lushington, C.
Moreton, hon. A. H.
Murray, A.
O'Brien, W. S.
Palmer, R.
Pechell, Capt.
Pemberton, T.
Pigot, R.
Plumptre, J. P.
Powerscourt, Visc.
Redington, T. N.
Richards, R.
Rushout, G.
Shaw, rt. hon. F.
Sinclair, Sir G.
Smith, R. V.
Stanley, E.
Stormont, Viscount
Style, Sir C.
Talfourd, Mr. Serg.
Turner, E.
Vere, Sir C. B.
Vigors, N. A.
Walsh, Sir J.
Ward, H. G.
Wood, Sir M.
Yates, J. A.

TELLERS.
Mahon, Viscount
Inglis, Sir R. H.

List of the NOES.

Abercromby,hon.G.R.
Acland Sir T. D.
Acland, T. D.
Adare, Viscount
Anson, Colonel
Archbold, R.
Baillie, Colonel
Baines, E.
Baker, E.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. H.
Bewes, T.
Blair, J.
Blake, W. J.
Blakemore, R.

Blennerhassett, A.
Bodkin, J. J.
Bolling, W.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Buller, Charles
Buller, Sir J. Y.
Burr, Higford
Burrell, Sir C.
Busfeild, W.
Byng, rt. hon. G. S.
Cayley, E. S.
Chalmers, P.
Childers, J. W.
Clerk, Sir G.
Clive, hon. R. H.
Collier, J.
Conolly, E.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Darby, George
De Horsey, S. H.
Dottin, A. R.
Douro, Marquess of
Dowdeswell, W.
Duff, James
Duke, Sir J.
Dunbar, G.
Dundas, F.
Elliot, hon. J. E.
Ellice, E.
Evans, G.
Evans, W.
Farnham, E. B.
Feilden, W.
Ferguson, Sir R. A.
Finch, F.
Fort, J.
Gladstone, W. E.
Gordon, R.
Gore, O. J. R.
Gore, Ormsby W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Grant, F. W.
Grattan, H.
Grimsditch, T.
Hardinge, rt. hon. Sir H.
Hastie, Arch.
Hawkes, T.
Hawkins, J. H.
Hayes, Sir E.
Hayter, W. G.
Heathcoat, John
Hinde, J. H.
Hindley, C.
Hodgson, R.
Hope, hon. Chas.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Howard, Sir R.
Howick, Viscount
Hughes, W. B.
Hume, J.
Humphrey, J.
Hutton, R.
Irton, S.
James, Sir W. C.
Jenkins, R.
Kemble, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lefevre, C. S.
Lefroy, rt. hon. T.
Liddell, hon. H. T.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Macleod, R.
Maher, J.
Marshall, W.
Master, T. W. C.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Noel, W. M.
Norreys, Sir D. J.
O'Brien, C.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Neill, hon. J. B. R.
Ossulston, Lord
Paget, F.
Pakington, J. S.
Palmer, G.
Parker, John
Parker, M.
Parker, R. T.
Parrott, J.
Peel, rt. hon. Sir R.
Perceval, Col.
Philips, M.
Ponsonby, C. F. A. C.
Pringle, A.
Protheroe, E.
Pryme, G.
Rich, H.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Sheppard, T.
Sibthorp, Colonel
Slaney, R. A.
Smyth, Sir G. H.
Stanley, E. J.
Stanley, Lord
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Stuart, V.
Tancred, H. W.
Teignmouth, Lord
Thornley, T.
Thornhill, G.
Townley, R. G.
Troubridge, Sir E. T.
Verner, Col.
Waddington, H. S.
Wall, C. B.
Warburton, H.
Whitmore, T. C.
Williams, W.
Winnington, T. E.
Wood, C.
Wood, G. W.
Wood, T.
Wynn, rt. hn. C. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Maule, hon. F.

Sir *Robert Peel* moved for leave to bring in a bill to amend the jurisdiction for the trial of controverted elections. He believe he would best discharge his duty by merely moving the introduction of the bill on the present occasion, and the discussion might be taken in a subsequent stage of the measure. With respect to the question put by the hon. Member for Rochester (Mr. Bernal), as to how far an oath which was not binding on eleven would be binding on six, he would say, that he proposed that the Committee should assemble under altogether a different influence, and therefore the arguments of the hon. Gentleman did not apply.

Leave given.

Factory Children.] Mr. *Fox Maule*, in moving for leave to bring in a bill to regulate the employment of children and young persons in factories, said, he thought it would be better at that late hour (past twelve) to defer an explanation of its provisions till the second reading.

Mr. *Hindley* wished for some brief explanation, if only five minutes—of the objects of the bill. Did the Government mean to alter the hours of the factory children's labour? Did they intend to strengthen the hands of the inspectors and sub-inspectors?

Mr. *Fox Maule* said, the Government were not prepared to alter the provisions of the existing Act as to the hours of labour or the ages of the children. But they did intend to give additional powers to the inspectors and sub-inspectors, believing that such additional powers were necessary to carry the Act into execution. Into a detail of the means by which this object was to be effected, it would be best, perhaps, to enter on the second reading.

Leave given.

HOUSE OF LORDS,

Friday, February 15, 1839.

MINUTES.] Petitions presented. By the Marquess of BREADALBANE, and Lord BROUGHAM, from Knaresborough, for the Total and Immediate Repeal of the Corn-laws.—By the Earl of RIPON, from a parish of Lincoln, against the Beer Act.—By the Marquess of BREADALBANE, from a parish in Argyleshire, in favour of Church Extension.

CORN-LAWS.] The Marquess of *Breadalbane* had a petition to present from Perth, praying for a repeal of the Corn-laws. He agreed with his noble and learned Friend (Lord Brougham) that there was a very deep feeling on the part of the people with regard to this question, and that discontent and dissatisfaction at the present state of the law, with regard to the trade in corn, were increasing. It was a sound maxim of policy that all the great productive sources of this country were bound and united together, and it was impossible to give particular advantages to one without producing corresponding evil and detriment to the others. He trusted that their Lordships, although they might not feel able to grant the entire prayer of the petition, namely, the total repeal of the Corn-laws, would, at any rate, consider that it was just and fitting and expedient to take the question into their early consideration, and to inquire into and examine all its bearings.

Petition laid on the Table.

CANADA.—EARL OF DURHAM.—SIR FRANCIS B. HEAD.] The Duke of *Wellington* moved, pursuant to notice, that an humble address be presented to her Majesty, praying that her Majesty would be graciously pleased to direct that there be laid before this House copies of the correspondence that had taken place between the Secretary for the Colonies and Sir F. Head (late Lieutenant-Governor of Upper Canada); and also the dispatches of Sir J. Colborne respecting the establishment of rectories in Upper Canada.

Viscount *Melbourne* said, that it would be extremely inconvenient to produce the whole of the dispatches of Sir F. Head. He had no disposition to keep back any part of those which either the noble Duke or Sir F. Head should think necessary to be laid before the House and the public for his justification, or which might be considered to bear upon those parts of his conduct which had been animadverted upon in the report of the noble Earl behind him. If the noble Duke would amend his motion by writing the words "copies of, or extracts from," he would not object to the motion, and they might afterwards settle by communication what was necessary to be produced. As he had stated, he intended to produce anything Sir F. Head might require for his own justification. With regard to the dispatches of Sir John Colborne, respecting the establishment of rectories, they were very voluminous, but he had no possible objection to their production.

The Duke of *Wellington* had two objects in making this motion. The first was, the hope that the dispatches of Sir F. Head would increase their Lordships' knowledge of the state of Upper Canada. Besides, he felt it necessary, that when an officer's conduct was canvassed, their Lordships should have in their hands the means of his justification. Certainly, when he first saw the correspondence between the noble Viscount and Sir F. Head, he should not have thought it right to move for the production of these papers, but having subsequently seen the report of the noble Earl, he conceived that some of the correspondence of Sir F. Head, ought, in justice to that Gentleman, to be made public. He saw, that notwithstanding what had passed between the noble Viscount and Sir F. Head, it was the intention of Sir F. Head to make a publication on this subject. He had no objection whatever to the amendment proposed by the noble Viscount, and to let the words "copies of, or extracts from" be introduced in his motion.

The Earl of *Aberdeen* apprehended that it was impossible to proceed to the discussion of these affairs without the dispatches which had been moved for, whether they were alluded to or not in the printed report. The observations there made rendered it imperative on Sir F. Head to justify himself; but that was a different question, and he might be safely left to take care of himself; but unless the House were prepared to take the report of the noble Earl opposite as their sole ground of legislation on this subject, it was quite clear that Sir F. Head, having filled the situation of Governor of Upper Canada, and having so successfully carried on the Government there, his opinions on the state of that province and the views of policy to be pursued, were sufficiently important to be laid before their Lordships, unless the noble Earl (the late Governor General) was to decide the question. He thought it very inconvenient that the observations of the noble Earl should have been laid upon the Table of their Lordships' House. Of course the noble Earl had only done what he thought to be his duty, in making these observations. The noble Earl was the best judge of what he considered to be his duty; but it was for her Majesty's Government to consider whether any and what part of that report should be published. It was an inconceivable and unprecedented thing to make a printed report, thereby depriving the Ministers of the means of exercising their own judgment, and preventing them from performing the duty which they owed to their Sovereign, of dealing with the report as it was their duty to do before presenting it to that House. The noble Earl also appeared to think it a matter of course that the report should be produced, for he asked, even before her Majesty's speech was read, so impatient was he, when the report would be produced. He denied, that as a matter of course any word of that report need necessarily be produced; at least the Government ought to have had an opportunity of exercising their judgment as to whether it would be for the public service that it should be produced. He was not certain of the discretion of the noble Earl upon every subject that might come before him, and therefore thought it a most unfortunate precedent, that Government should have consented to receive his printed report. The noble Earl was much mistaken if he supposed, that the report was his own property. The noble Earl had no right to print a single syllable of his report without her Majesty's permission, and it belonged to the Crown, and to the Ministers of the Crown, acting on their own responsibility and judgment, and as they thought best for the public service, to produce such, and no more, of this report as they thought necessary.

The Earl of *Durham* agreed entirely in the doctrine laid down by the noble Earl, and certainly it never was his intention, in any capacity which he ever filled, to consider any dispatches or opinions addressed by him to the Government employing him in their service as his own property. But how stood the facts with regard to the particular report in question? That report had been delivered to and received by her Majesty's Ministers; and up to a certain time he understood, that it was to be produced on the first day of the Session, on the opening of Parliament. So much did he expect, that it would then be produced, that he had in his hand on that occasion a printed copy of the report, and there were thousands, at least, many hundreds, of copies prepared for circulation. It appeared however, in consequence of some deliberation on the part of Government, that the production of the report was postponed. Of such intention he was ignorant, and upon that account, he put a question to the noble Viscount below him, as to when it was likely the report would be presented to that House. He certainly thought he had some right to consider, when he had received from her Majesty's Secretary of State the announcement that the report had been laid before her Majesty, and that her Majesty had expressed her approbation of that report—he thought he had some right to consider that the report had arrived at such a stage—her Majesty's Ministers having received it, and having laid it before her Majesty, and having communicated to him her Majesty's approbation of the report—he thought he had a right to consider it an official report, presented duly and formally, and that his duty had been done. The letter of the noble Lord, the Secretary for the Colonies, he had received on Tuesday night, and it was not till Friday that he had made any complaint of the publication of the report, having between Tuesday and Friday, as he had stated candidly, considering that he might properly do so, confided half-a-dozen copies of the report to his immediate friends. He would say no more, as far as his own conduct was concerned, but he hoped the House would permit him to say a few words with regard to the motion before them. He believed that no noble Lord who had taken the trouble to read his report would say, that there was in it any intention of making any charge against Sir F. Head. He had stated certain facts with reference to proceedings that had taken place at the elections of Upper Canada during the time Sir F. Head was in that province. Their Lordships must observe, that the justification of Sir F. Head refers, not to any statements in the report itself, but to certain marginal annotations, and a Gentleman so habituated to publications as Sir F. Head ought to be aware that these marginal annotations could hardly be considered the ground-work of justification or charge, and that he must look to the body of the report. On the contrary, the observations of Sir F. Head had reference merely to certain marginal notes, which were, in fact, an index to the contents of the report. He disclaimed all notion of assailing the character of Sir F. Head. He had merely stated facts, partly obtained from dispatches and partly from evidence that had been submitted to him. He had stated these facts as he thought himself bound to state them, for they were in general circulation in the whole colony. He would take that opportunity of remarking upon the observations that had been made as to the danger that might arise from the publication of the report. He did not know how any danger could arise from the publication. He did not know how any danger could arise in this country, and still less could he imagine any danger to arise in Canada from the publication of truths that were known to every man in the colony. Those were facts of which their Lordships were ignorant, but of which no individual in the colony was ignorant. He had heard them from every human being with whom he had conversed; they were printed in the newspapers of the colony, and in the thousands of newspapers of the United States; they were subjects of conversation with the highest and most eminent persons, and their Lordships should bear it in mind the only danger was in suppressing these facts here. The people of the colonies were aware of them, and was it not their duty to afford to the people of this country the means of attaining to a knowledge of the existence of these facts? He apprehended, that the real danger was in keeping the people of this country in ignorance of that which was notorious to every man, woman, and child in the colonies. No danger could result from the publication of the truth. He had but one object in the preparation of that report, and that was, that their Lordships should know the truth before they were called upon to take into consideration the Government and condition of the colony together with the jeopardy in which the connection between the colonies and the mother country was placed. His object was to perpetuate that connection, and he conceived, that he could not, in his humble capacity, ever render a greater service than to be the means of laying before their Lordships a statement which, if it did nothing more, would compel them to devote their earnest attention to the subject. Before he sat down, let him beg—whatever might be the impression of his own conduct, whatever indiscretion he might have been guilty of, as the noble Earl had been pleased to insinuate—let him implore their Lordships not to suffer any time to elapse before they took this subject into their most earnest consideration; and this, not merely with reference to the rebellion that had taken place, but to the interests of their fellow-subjects, their properties, everything that made existence dear to them, and which he considered was perilled by the state of things that existed. He had received a copy of a letter from a gentleman totally independent of the Government, of large property, late the representative of his county, colonel of the county militia, and a member of Sir John Colborne's special council, dated Montreal, Jan. 10, 1839, of which the following is an extract:—

> " The Loyalists have again saved the country; but I need not say to one of your thought that it is almost at our total ruin; for we are all soldiers. Consequently, we shall soon want bread, for want of labourers in our fields. If the British Government intends to retain the North American colonies, something must be done, and that right soon, or the country will be worth nothing to the present generation. As for our being retained by a standing army, it is all nonsense; it cannot be done for any length of time. Therefore, I repeat, something must be soon done; and it appears to me the only thing that can be done, with the least prospect of success, is to get us back into a constitution of some kind as soon as possible; but it must be English. We are daily told, that this and that nobleman is to replace Lord Durham: all this can be of no use—the thing must be settled in England. Frame a constitution in the Imperial Parliament; let it be what it may; and send that and a man of ability to put it practically into operation, and rebellion dies a natural death."

He merely read this as the statement of an individual very high in rank and station. He hoped and trusted, that whatever might be their Lordships' opinion with regard to his own conduct, and the mode in which he had acquitted himself, they would at once take up this great and important question, admitting every justification that was necessary for the character of Sir F. Head, the production of which he would not object to, but would second if necessary; calling for every bill that had been introduced on the subject, and when they had all the evidence before them, let no time elapse before they took up this question and settled it, as it was morally impossible that the people of Canada could ever settle it themselves.

The Earl of *Wicklow* said, it appeared to him that the noble Earl had made a very extraordinary statement, namely, that because he got a letter from the Secretary of State announcing her Majesty's approbation of the report, that, therefore, it was necessary that it should be laid on the table of the House.

The Earl of *Durham* said, the noble Earl was mistaken. He had merely applied to know when the papers would be produced on the table of the House.

The Earl of *Wicklow:* At all events the noble Earl considered, without information derived in that House, that he had information sufficient to justify him in appealing to the Government to lay a certain document on the table—a document which had gained circulation in the country before it was laid on the table of the House. It appeared, from all that had fallen from the noble Earl, that although the situation of the colonies was well understood there, we were in ignorance on the subject; and as the noble Viscount had told them, that before Easter a Bill on this subject would be laid before Parliament, it appeared to him that more information than they at present possessed, ought to be furnished by the Government. Was there no report of the noble Lord opposite (the Earl of Gosford), who had preceded the noble Earl in the government of the colonies? Was there no recommendation from the noble Lord with regard to the future government of those provinces? If there were, it appeared to him that such reports, or at least parts of them, ought to be furnished by the Government to Parliament. The report of the noble Earl was the only information at present before the House, and that had been written during the course of a short residence of five months. His noble Friend opposite (the Earl of Gosford) had been in the government of those colonies for a considerable period, and Lord Aylmer for a very long time. He confessed, that he thought it very desirable that Parliament should know what were the opinions of those two individuals; and if there were any suggestions in their reports, he thought they should be laid before Parliament.

Viscount *Melbourne* was not aware of any of the circumstances alluded to by the noble Earl behind him (Lord Durham); but the noble Earl had made a most extraordinary mistake, if he supposed that any such decision had ever taken place. It was left for consideration, whether the noble Earl's report should be produced or not; and it was very unfortunate, that the noble Earl should have been induced to take the step which appeared to be the cause of the publication of the report, namely, communicating it to his friends; thus rendering it necessary that the report should be laid before the House *in extenso,* and without consideration of any consequences. The noble Earl seemed to think, that the letter which he received from the Colonial-office, was a sort of licence, instead of looking at it as a notification of the reception of his report, and of the attention which his noble Friend (Lord Glenelg) paid to it. He did not see, that it carried any further meaning with it than a reference to communications which it would probably be necessary to hold with the noble Earl upon the reasonings of the report and the measures recommended in it. The noble Earl said, that the publication was not in the slightest degree dangerous, and that it had been attended to with no bad effects. The present question was not whether it had or not: the question was, whether Government ought not to have had it in their power to exercise their discretion and opinion as to whether they would produce the report or not. Undoubtedly they had been cut off from the exercise of that discretion, and it was possible, that evil effect might result from it. The noble Earl (the Earl of Wicklow), stated, that more information was rendered necessary. Unquestionably, the House ought to be put in possession of all the information that could be obtained. The report made during the administration of his noble Friend behind him (the Earl of Gosford) had been already laid before the House; but if there were any other papers previously collected that might be material, of course they should be furnished to their Lordships.

Lord *Glenelg* entirely agreed with the statement, that until ministers had an opportunity of considering and deciding whether any and what portion of a report should be laid before Parliament, that report was within the exclusive power of the government. Certainly he was under the impression that a report must be subject to the deliberate consideration of the Government before it was laid on the Table of the House, and the Government till that consideration was completed ought to be limited by no previous condition. Allusion had been made to the printing of reports. He begged to state, that the printing of reports, for the purpose of their being communicated to the Members of the Cabinet, was not new. He had known many instances in which papers of great importance had been printed, for the express purpose of consideration and selection, and he could at that moment mention many instances in which parts had been left out and other parts substituted which were not in the original, and yet not a word of the original copy transpired. Papers of a confidential nature were often sent to be printed, in order that Government might with more facility take them into consideration. With respect to the thousand copies mentioned by the noble Earl, he certainly could say, that there had been no direction of that kind given by the Colonial-office. The papers had been given in the usual manner to be printed confidentially, and precisely under the same rules and regulations as other papers. If other directions were given, it was not by him. With respect to the motion before the House, the publication of that part of the noble Earl's report, which referred to Sir F. Head, made it perhaps necessary to produce at least some portion of the despatches of Sir F. Head. He had objected to the production of those despatches, not because he thought the Government in any degree affected by them, and, certainly as an individual, he had no possible objection to them; but he objected to their production for this reason, because they involved animadversions upon individuals in the province—animadversions which, from the nature of the circumstances, could not be communicated to the individuals themselves, but which it was right for the governor to communicate to Government at home, though not to the individuals, the result of which, if produced, would be, that these individuals would for the first time see in the parliamentary papers the strongest animadversions on themselves and their relatives; and they would see these given to the world without any opportunity being afforded to them of answering the charges brought against them, He regretted as a very great misfortune that the circumstances in which Sir F. Head was now placed required that some portion of the despatches should be produced; but although he deeply regretted it, and although he thought there was sufficient reason for Government not producing these papers spontaneously, still, when the necessity had arisen, they were obliged to submit to the evil; and, no doubt as far as it could be done, the wish of the House would be complied with.

Lord *Brougham* said, that although there could be no doubt, that it was a dangerous thing to print a number of copies of the Report in question, yet it could not be said to be unprecedented. What his noble Friend stated was perfectly true. He had known many instances of printing reports before they were submitted to the House, the parties printing them being sworn to secrecy, and acting under the constant, immediate, near, and clear inspection of the Secretary of State, and the Under-Secretary, and the confidential clerks of the department. Not only was it not unprecedented, but he recollected when papers so directed to be printed met the public eye through some gross breach of trust committed in some quarter. That had been the occasion of very particular inquiry into the offence which was committed with regard to an Irish Bill of peculiar delicacy. It had been printed for the convenience of perusal, and two or three copies had been sent to the Crown-office in Ireland. To their great surprise, that most important measure appeared in a Dublin newspaper. A most rigorous inquiry took place for the purpose of the detection and punishment of the persons who were guilty of that gross breach of confidence, as gross and flagrant a breach of confidence and duty as the present case could be. They could not discover up to the present day how that offence had been committed, although many and he himself had his suspicions, but those suspicions did not in any degree rest upon the Government-office.

The Earl of *Durham* had distinctly stated, that in consequence of some communications that took place between the noble Lord (Lord Glenelg) and himself, communications had also taken place between the Under Secretary of State for the Colonies (Sir George Grey) and himself; but, unquestionably, with the noble Lord he had had no communication, except in writing. His own secretary had had communications with the Under Secretary of the Colonies, and entered into an arrangement with him for the purpose of saving trouble and expense in making a variety of written copies of so long a document. He thought it rather hard to say, that the Colonial-office had had no acquaintance with this arrangement when it was the result of these communications. Some mistake appeared to exist with reference to the letter of the noble Lord, the Secretary for the Colonies, and he trusted, that no objection would be made if he moved for the production of it. He would accordingly move for a copy of the letter of the noble Lord, dated February the 5th.

Viscount *Melbourne* said, he had no objection to its production.

Lord *Glenelg* said, that the communications on the part of his hon. Friend, the Under-Secretary of the Colonies, took place in consequence of his (Lord Glenelg's) authority, and he had acquiesced, for the sake of facilitating its consideration, in having the report of the noble Earl printed by Mr. Hansard, under the direction of his hon. Friend, as many other papers of the same kind had been printed; but he begged to add, that he had his hon. Friend's (Sir George Grey's) authority, to state distinctly, that he never gave any order for printing so many copies.

The Earl of *Durham* said, that the Under-Secretary of the Colonies did communicate several times upon the necessity of having the report printed on the first day of the Session. In consequence of those communications, arrangements were made for printing the report, and he certainly understood that it was necessary that the utmost dispatch should be used, in order that 2,000 copies might be ready on the opening of Parliament.

Motion agreed to.

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HOUSE OF COMMONS,

Friday, February 15, 1839.

Minutes.] Bills. Read a second time:—Registration of Electors; Poor Relief Amendment (Ireland).

Petitions presented. By the Marquess of Douro, from Norwich, by Mr. Labouchere, from Taunton, by Mr. Baines, from Prescot, by Mr. Clay, from Poplar, etc., by Mr. Chalmers, from Arbroath, by Sir Henry Parnell, from Dundee, by Mr. Strutt, from Derby, by Sir De Lacy Evans, from the Westminster Reform Society, by Mr. G. Wood, from Kendall, by Mr. Villiers, from Preston, by Lord Morpeth, from Huddersfield, and another place, and by Lord John Russell, from Stroud, for the Immediate and total Abolition of the Corn-laws.—By Sir C. B. Vere, from five places in Suffolk, by Sir E. Knatchbull, and Mr. S. Lefevre, from two places in Kent, by Mr. Fleming, from places in Hampshire and Kent, by Mr. G. Palmer, from Stockwell, by Captain Boldero, from Chippenham, by Mr. Sandford, from Longford, by Mr. Darby, from Brighton, and Shoreham, and by an hon. Member, from Rutland, against the Repeal of the Corn-laws.—By Mr. Sergeant Jackson, from the county of Galway, against the system of Education in Ireland.—By Mr. Barnaby, from Hereford, for inquiry into the Management of a Lunatic Asylum in that town.—By Mr. Houstoun, from Paisley, and by Sir George Sinclair, from three places, for Protection to the Church of Scotland.—By Mr. P. Howard, from Chelmsford, for the Total Abolition of Church-rates.—By Captain Pechell, from the Innkeepers of Brighton, against their Liability to make good all property stolen from their Inns.

Mr. Harvey's Case.] Mr. *Wynn* said, that in conformity with the notice he had given, he rose to move, that a new writ be issued for the borough of Southwark, in the room of Daniel Whittle Harvey, esq. He felt the less difficulty in submitting this motion to the House, because he trusted, that it would be in no respect considered a party question, but would be regarded, like the motion discussed last night, as one in which the whole House was equally interested in coming to a conclusion. It had been suggested, that he had better move the appointment of a Committee to consider the subject, but he did not know why that should be a preferable course, because the opinion of a Committee could not be binding on the House. Besides, it was desirable, that no more delay than was absolutely necessary should occur in the case. The hon. Member (Mr. Harvey) was sitting opposite, and he had put himself in an awkward situation, if it should be declared, that his appointment came under the Act of Queen Anne, for, in that case, he was liable to a penalty of 500*l.* for every vote he gave. Again, if the hon. Member abstained from voting, the borough of Southwark would then virtually be deprived of its representative. If, however, a Committee should be moved for, he certainly should not press the House to come to a decision on a point which other hon. Gentlemen required further time to consider. It appeared to him, that the office to which the hon. Gentlemen had been appointed, came under different disqualifying enactments. In the first place, it came under the Act of Queen Anne, by which any person accepting an office of profit under the Crown vacated his seat. Still more strongly did it come under the Act of the 5th of William and Mary, by which it was declared, that "no Member of the House of Commons shall at any time be concerned, directly or indirectly, or any other in trust for him, in the farming, collecting, or managing any of the sums of money, duties, or other aids granted to their Majesties by this Act, or that shall hereafter be granted by any Act of Parliament." He conceived, that the hon. Gentleman's appointment also came under the Act of the 15th of George 2nd,, which enacted, that no commissioner of the revenue in Ireland, or commissioner of the navy or victualling-offices, or any deputies or clerks in any of the said offices, or in any of the several offices following (among which were mentioned the offices of the Principal Secretaries of State or of the Commissioners of Hackney coaches) should be capable of being elected, or of sitting and voting, as a Member of the House of Commons. Under each of those Acts, it appeared to him, that the hon. Gentleman was disqualified to retain his seat. He would, first of all, consider the question whether the hon. Gentleman had accepted an office of profit under the Crown. The words of the Act of Ann were, that no person who accepted a new place of profit under the Crown, then existing, or thereafter to be created, should be capable of sitting or voting in the House of Commons. It was contended, however, that the office accepted by the hon. Member was not an office of profit under the Crown, as it was an appointment made by the Secretary of State. It, however, made no difference whether the appointment proceeded immediately from the Crown, or was filled up by the Secretary of State, if the appointment was really an office under the Crown. It was well known, that the stewardship of the Chiltern Hundreds was not granted by the Crown immediately; it was not an appointment under the great seal, but under the hand of the Chancellor of the Exchequer, and a salary of 20*l.* a-year was attached to it, though the money was never received by any person accepting the office. Still, it was held by invariable custom, that the acceptance of the Chiltern Hundreds by a Member of Parliament vacated his seat. He was aware, that there were offices, the acceptance of which did not lead to a vacation of seats in Parliament, but they were the subject of special exception from the Act of George 2nd. Such were the office of Secretary of the Treasury, and the office of Secretary of the Admiralty, and the offices of the Under-Secretaries of State, and they were excepted probably because they were considered as being, at the time of the passing the Act of William, in no degree offices under the Crown; for the Secretary of the Treasury was Secretary to the Lord High Treasurer, and the Secretary of the Admiralty was Secretary to the Lord High Admiral. In the instance also of the Secretary of the Board of Commissioners for the Affairs of India, it was thought fit, that there should be a specific arrangement to meet his case, and it was expressly provided, that a person's acceptance of that office should not vacate his seat in Parliament. He would maintain, that with respect to other offices, whether the appointment rested with the Secretary of State, with the Chancellor of the Exchequer, or with the Commissioners of the Treasury, they were equally to be considered offices under the Crown, particularly when, as in the present instance, it was directed that the Commissioners of the Treasury should fix and appoint the salaries which were to be paid. It might be contended, that this was not an office of profit, on the ground that no salary had been actually annexed. But the Act of last Session said, that "it shall be lawful for the Commissioners of her Majesty's Treasury to fix and appoint such salaries to be paid to such registrar, clerks, and officers as they shall think proper, which salaries, together with such other expenses in and about the execution of this Act as the said Commissioners shall direct, shall be paid by the said Commissioners of Stamps and Taxes out of any monies to arise from any of the duties under their care and management." Now, it seemed to him, that under this clause, a duty was imposed upon the Treasury which they were to discharge by fixing the amount of salary to be enjoyed by the registrar. They all knew that the words "it shall be lawful," were constantly construed as imposing a duty, and he apprehended, that if the hon. Member for Southwark had continued to hold the office which he had resigned, and the

Treasury had not fixed a salary, he might have compelled the Commissioners of the Treasury to assign him one. What should be the amount of the salary would indeed be left to their discretion, but it was imperative upon them to fix one. It might further be contended, that no emolument or profit had been received from this office. But the hon. Member, in his letter to the noble Lord, the Secretary of State for the Home Department, said, that he should not receive any emolument or profit from the office, if Parliament should be of opinion that its acceptance would oblige him to vacate his seat. The hon. Gentleman's refusal to accept a salary was, therefore, only a qualified refusal, dependent upon the decision of Parliament as to the effect of accepting a salary. This, he contended, did not exempt him from the disqualification created by his original acceptance of the office. Let the House suppose that a change of Administration had taken place, and that the now Ministers did not think it convenient immediately to dissolve Parliament. Would they, supposing them to execute a renunciation of the salaries attached to their offices for a couple of months, be thereby rendered capable of holding their offices, without vacating their seats in Parliament? He apprehended not. It seemed to him that when Parliament constituted an office, and appointed a salary to be paid, an individual had no right to divest himself of the salary. The office still had all the qualities of an office, and it was wholly immaterial, whether the person holding it accepted a salary or not. There was nothing to prevent an individual accepting the Chiltern Hundreds, whether he claimed ths salary attached to the stewardship or not, and he had been told, that it was not the invariable practice to refuse the salary, for one gentleman who had accepted the office did afterwards take the salary of 10*l.* for the half-year which had expired before the office was disposed of to another person. It seemed to him, therefore, that this was a new office of profit under the Crown, created since the statute of Anne, and consequently not tenable in conjunction with a seat in Parliament. He now came to the second part of the question, depending upon the effect of the disabling statutes of the 5th of William and Mary and of the 15th of George the 2nd, upon which he should contend, that this being an office for the managing and collecting of duties granted to the Crown by Parliament, and being further an office under the Commissioners of Stamps, the party who accepted it was thereby disqualified from sitting or voting as a Member of the House of Commons. This would appear, from a perusal of the second section of the Act of last Session, by which it was enacted, that

> "There shall be charged upon, and in respect of, every license to be granted under the authority of this Act, as hereinafter provided, a duty of five shillings, and that the same shall be under the care and management of the Commissioners of Stamps and Taxes, and shall be denominated and deemed to be a stamp duty, and shall be raised, levied, paid, secured, and accounted for. under the provisions of any act or acts in force, or to be in force, for raising, levying, or securing the stamp duties, or any of them; and it shall be lawful for the said Commissioners, and they are hereby required, upon application for that purpose made by the person who for the time being shall be the registrar of metropolitan public carriages, duly appointed under the provisions herein-after contained, to issue to such person vellum, parchment, or paper for such licenses, duly stamped, for denoting the duties charged by this Act, either upon the present payment of the duties payable on such licenses, or upon giving such security for the payment thereof, and upon such terms and subject to such regulations as the said Commissioners shall think proper."

It was provided, by a subsequent clause, that the Secretary of State for the Home Department, should appoint a registrar, and, as he had already stated, that it should be lawful to the Commissioners of the Treasury to appoint him a salary. Now, how words could be adopted which brought the case more closely within the Act of William and Mary, which provided, that no Member of the House of Commons should be concerned directly or indirectly in collecting or managing the duties granted by Parliament to the Crown, or, on the other hand, within the statute of George the 2nd, which disqualified persons from sitting or voting in that House, who were deputies to the Commissioners of Stamps, it was difficult to imagine. But, at any rate, if it should be decided, that those Acts had reference only to offices of the kind mentioned which were then in existence, it was then a new office, and came within the statute of Anne. Let the House look at the consequences which might result from the neglect of the provisions in those statutes. If the argument were to prevail, that a person disqualified by accepting office from sitting or voting as a Member of the House of Commons did not vacate his seat, if he resigned the office before the meeting of Parliament, all these offices might be granted to individuals for six months, and all that they would have to do would be to resign them immediately before the meeting of Parliament, and take the salary of the office up to that time. Besides, the uniform practice since the passing of the Act of Queen Anne had been to issue a new writ immediately on parties accepting a disabling office, exactly in the same way as that which came within the second clause of the statute. It was right that a person incapable of sitting or voting in the House of Commons should be taken to have vacated his seat. He would again beg to call the attention of the House to the case of the stewardship of the Chiltern Hundreds. If, during the recess, a Member accepted that office, he might be re-elected by any constituency in the kingdom, which could not be done unless the seat was thereby vacated. There was an instance of this kind in which Lord Dudley, who was Member for Droitwich, accepted the Chiltern Hundreds, and was elected Member for Worcestershire. He believed also, that his right hon. Friend, the Member for Pembroke, during the recess, vacated in the same way his seat for Carlisle, and was elected Member for Cumberland. It seemed to him, therefore, that by acceptance of the office, the seat was vacated to all intents and purposes. It might be contended, that the statute of William and Mary was only a prohibitory statute without, a penalty and consequently that the Parliament proceeded at first against such Members as accepted offices by expulsion. But since the latter act such conduct had uniformly been treated as vacating the seat. There were, indeed, cases in which, when an office devolved upon a Member by reversion, and the Member executed an immediate surrender, this devolution had been construed not to work a disqualification. But he was not aware of any case in which an individual having once excepted an office was held to be exempted from the disabling operation of the statutes because he had not taken the salary attached to it. These were the grounds upon which he submitted the case to the House. He trusted it would be considered, that he had undertaken the task from a strong feeling of public duty for, supposing the House to be of a different opinion from him, and to resolve, that the seat of the hon. Member for Southwark had not been vacated, it seemed to him to be of great importance, that the House should come to a distinct decision upon the question, and not let it pass *sub silentio*. He need hardly say, that he had no personal feeling against the hon. Member, nor was he influenced by political feeling, for he believed it was well known, that if a new writ issued for Southwark his present constituents were perfectly disposed to re-elect the hon. Member, and therefore no person could suggest, that there was any political object to be attained by the motion with which he should conclude—that a new writ be issued for the borough of Southwark in the room of Daniel Whittle Harvey Esq., who had vacated his seat by accepting an office of profit under the Crown.

The *Attorney-General* rose to address the House, but observed, that if the hon. Member for Southwark were disposed to offer any remarks, he would willingly give way.

Mr. *Wynn* said, that the rule of the House was, that a Member should withdraw, when any question was about to be discussed touching his seat he having been first heard.

Mr. *Pryme* mentioned an instance when a question respecting his own seat was agitated, in which that rule was acted upon.

The *Speaker* had no doubt that when any question was discussed involving the conduct of a Member of the House, the rule of the House was as it had been stated by the right hon. Gentleman the Member for Montgomeryshire, but he was not aware, that such was the rule when his seat was affected, no such case having occurred, since he had been placed in the Chair of that House. But the precedent mentioned by the hon. Member for Cambridge was in point.

Mr. *Harvey* said, against the motion placed in the hands of the Speaker, " that a new writ issue for the borough of Southwark," he had nothing to say. On the contrary he was perfectly prepared to second any motion by which the Members of that House should be often obliged to go before their constituents. He was one of those who thought, that this was a very wholesome practice, and who wished, that it occurred more frequently. But he somewhat differed from the interpretation that he was not now called upon to give explanation from any apprehension, that he had committed a very serious offence (and which, to a certain extent, might explain the motion), for the right hon. Gentleman, who, he believed, had an unequalled acquaintance with the rules, practice, and laws of Parliament, would not be able to find a single case in which a Member of that House had given up to the service of the public all the months during which other Members were recruiting their strength, after the severe labours which had just closed without receiving any compensation whatever for the sacrifice. He could not but think, that this was a most alarming precedent; for if it were once established, that Members of that House should labour gratuitously, he apprehended then he should bring down on his head the very severe censure of no inconsiderable portion, and most assuredly of that portion (not a small one) who sat there year after year, receiving very large sums for doing nothing, or a very good fee for their services in what they obtained if they could say, that they had ever done any thing. He deeply regretted, that the course which he had taken, really with the view of not giving the House trouble on the subject, had not been acceptable. When he submitted the facts of the case to eminent counsel, though they were far from agreeing as to the law, and though, as he should presently show, a very considerable lawyer took an entirely different view from that laid down by the right hon. Gentleman yet when he found men of such high rank in their profession (one of the first of them holding a seat in that House) entertain very great doubts on this question, he thought it much better to yield in time and resign the office rather than impose on the House of Commons the duty of entering on the subject. However, it appeared that he was mistaken in that respect; and now that a motion was made on the subject, he owned he was much dissappointed at the narrow ground taken by the right hon. Member for Montgomeryshire. The right hon. Gentleman had entrenched himself behind a few precedents, more or less as he considered bearing on the subject; but he had never said one word bearing on the great constitutional question of the danger of Members sitting in that House who either expected a reward from Government, or who were put in the receipt of sums which rendered them subservient to the Government. Now, he had hoped, that the right hon. Gentleman would have embraced this occasion for bringing in a bill which should put the whole subject to rest at once, by including in it not only the disqualifying offices, but those which were every day adapted to to the votes, speeches, and silence of a large number of Members, who were never thereby put to the inconvenience of losing their seats. But the right hon. Gentleman had altogether confined this case to a question of law—whether the office referred to came under the declaratory statute of Anne; and he was sure the right hon. Gentleman would agree with him that that statute, being highly penal in its nature, must, like all other penal statutes, be construed strictly. Now, it would be readily conceded, that there must be some difference between a direct grant of an office with which an individual was invested by patent from the Crown, under the sign manual bearing a stamp of considerable amount, adapted to the nature of the instrument, as compared with the mere appointment under the signature of a public functionary, to which another and an inferior stamp was attached. There were grants of the first description, and appointments of the latter; and he would venture to call the attention of the right hon. Gentleman to a return which had been made to that House twelve months after the passing of the act which was referred to. The return was to be found on the journals of the House, and it purported to be one "of all the offices and employments under the Crown, which had been created and granted since the 25th of October, 1705." Now, an office granted by the Crown, was an office to be vacated by the Crown. An office appointed by a public officer, such as the Secretary of State, could be vacated by the Secretary of State, and the Secretary of State only. He apprehended, that if this appointment or any other proceeded from the Crown by way of grant, under the royal sign manual, that document could only be cancelled by an instrument of similar import, and of the same character; and he should also submit that, if we could anticipate such a proceeding, an instrument from the Crown itself could not vitiate an order or appointment made by the Secretary of State. By the Secretary of State was this appointment made during discretion, and by him alone could that be cancelled or withdrawn; but he submitted it was not competent to any royal or political authority existing to create another power which could cancel it. But it might be said, (and with great weight on constitutional considerations) that it was unfitting that any Member of that House should hold an office at discretion, which a public functionary might continue or take away, as the Member adopted a cource in compliance with, or adverse to, his wishes. With this feeling strongly in his mind, he did hope that the right hon. Gentleman was prepared to put the question on broader and higher grounds. He was not pleased to hear the right hon. Gentleman propose an extension of the principle of disqualification. On the contrary, he should wish to see the extinction of all disqualification, provided that the acceptance of any office should vacate the seat of the individual, he being re-eligible, if his constituents chose to continue their confidence in him. It was well known to the noble Lord to whom he was indebted for this appointment, what course he meant to pursue. He had stated from the beginning, that this was not a disqualifying office, and that, therefore, it was competent to him to accept it without vacating his seat; but it was his intention to move, on the first day of the Session, to accept the Chiltern Hundreds on the broad and constitutional grounds, that, as he had accepted office, and as his constituents might conceive that he had thus incurred political obligations, they should have the opportunity of expressing their opinion on the subject. And this was the situation in which, with all submission, he thought every individual ought to be placed by the law, who had any participation whatever in the public funds. When, therefore, the right hon. Gentleman asrured him that this proceeding had no connexion with party or personal politics, he levied a large tax on his (Mr. Harvey's) credence, he drew a large draft on his credulity; because, when he heard on every side in the speeches and papers of the party of the right hon. Gentleman, that there was an universal re-action throughout the country, that the constituents were panting in every borough for an opportunity to record their change of opinion, and that not a vacancy could take place but a Conservative candidate wes prepared to take the field, he was sursurprised that the right hon. Gentleman, when he considered the princely resources at the command of his party, and that the humble individual addressing the House had not concealed that the emoluments which he received for the duties of his office (however uninviting these might be), were not unacceptable, should now turn round and tell him, with all possible gravity, while the Conservative cry was ringing through the country that at no hustings durst a Reformer or Radical show his face, "You have only to go to the borough of Southwark, and you'll be re-elected without trouble, expense, or inconvenience." The praise of the great constituencies which was implied in this recommendation was very just, and his constituents (fully persuaded of the kindness of the right hon. Gentleman) were quite prepared to re-instate him without expense, let who would present himself from the Carlton Club as his opponent. But he ventured to think that this motion was not so divested of personal considerations as the right hon. Gentleman would lead the House to think; for why was it that the vigilance of the right hon. Gentleman had been slumbering for some time? There had been some instances much more suspicious than the present acceptance of an office, where the appointment was known, the individual holding it was known, and the exact amount of his emoluments also known. And though it might be said that the trust of discretion implied the arbitary exercise of that power, he would venture to say, that no leader of a party would dare to dispossess an individual holding this or a similar office, who discharged its duties to the satisfaction of the public, for whose benefit it was created. And he did not hesitate to say, that were he holding this office at the present time, he should give his vote and express his sentiments precisely in the same way as he did before he accepted it. It seemed, however, that he should have thought differently, when he recollected the principles of the party opposite; and that he should have concluded that his office was one which he was bound to give up on the change of an administration, and that if the right hon. Baronet (Sir Robert Peel) came to that side as rapidly as some of his more eager friends desired, the value of his appointment, when found constantly in opposition, would be but small, and he must remain in continual expectation of receiving a notice from the Home Secretary (whoever he might be) that his services were, in the exercise of a sound discretion, considered to be no longer necessary. This was, indeed, a species of dependence which it was fitting that public men should understand. But he was observing that the right hon. Gentlemen was rather lax in his vigilance, when he contended that the acceptance of this office was of a disqualifying nature, even though all salary was refused. He admitted there was great weight in what the right hon. Gentlemen had stated, that Members ought to be prevented from accepting offices during the recess; but the right hon. Gentleman forgot to add, that the evil was much greater when a party exercised large patronage, and received indirect emoluments, though without any appointed salary. It was a doctrine most alarming to that portion of politicians called Radicals (a term that was illustrated to a certain extent by the possession of personal property), that gentlemen of large estates should have it in their power to say, "We don't look for emoluments in such an office as that of the Chancellor of the Exchequer; we don't care any thing for the salary—5,000*l.* or 6,000*l.* a year is nothing to us—but we have a tribe of cousins, and a large number of subordinate relations, and as we should wish to crowd Somerset-house and Downing-street with some few hundreds of them, this field of family patronage would be extremely acceptable to us." Now this was a dangerous doctrine, against which men of small means were justified in protesting. But there were other offices which the right hon. Gentleman he was surprised to find had thought it consistent with his station as guardian of the technicalities of the house to overlook. He saw by a motion of the gallant officer (Colonel Sibthorp) that thirty or forty commissions had been appointed with salaries attached to them. There were several Members of Parliament in these commissions, to whose names, it was true, the remark was annexed to the return that they had declined salaries. But it should be recollected that there were many temporary commissions constantly appointed which stole quietly through the House, and to which attention would never have been directed if a time of peace had not given a military Member an opportunity of exercising unusual vigilance. At all events these commissions were much more silent and stealthy in their passage through that House than the act by which he was appointed, and which was debated clause by clause. In the county-rates commission he found the names of Mr. Law Hodges and Mr. Shaw Lefevre, who it was said "declined to receive salaries." Their declining to receive them rather implied that they could take them if they pleased, and their acceptance of this office worked their disqualification, according to the reasoning of the right hon. Gentleman. Why the right hon. Gentleman had suffered such appointments to pass unnoticed he could not conceive, unless it was, that as commissions were not found on the Journals of the House, they were a subject beneath his notice. Again, he found that there was a commission on Irish fisheries, and in this case it was laid down that they should receive their salary when they reported. But he saw that Mr. Walker, as one of the commissioners, had from the commencement refused to receive any remuneration. That, no doubt was very creditable to Mr. Walker, but if the doctrine were approved, as agitated by the right hon. Gentleman, that the acceptance of office—such paid offices as these commissionerships—constituted the case provided for by the law and vacated the seat in Parliament, he was a little surprised, giving the right hon. Gentleman credit for not being actuated in the smallest degree by personal feelings or party motives in bringing forward his motion of that evening, that these commissionerships should have altogether escaped his attention. Besides this, many acts of Parliament had been passed with disqualifying clauses. Take, for instance, the act which constituted the charities commission. The charities commission was composed of eighteen or twenty commissioners, appointed by the Crown; that was to say, the commission was appointed by the Crown, but the parties who were to sustain it were appointed by the Treasury. In that bill a clause was inserted, expressly declaring that no charity commissioner should be competent to sit in Parliament. So, again in more recent times, in the

Poor-law Amendment Act, a clause was inserted disqualifying the Poor-law commissioners, who were also appointed by the Treasury, from a seat in Parliament. But there was this extraordinary circumstance connected with the Poor-law Amendment Act—that whilst it declared that the three chief commissioners should be disqualified, it made no provision of the same kind with respect to other subordinate officers; so that the secretary, or any other highly paid officer attached to the commissions (and it was to be remembered that the secretary received 1,200*l.* a year), would be perfectly competent to hold a seat in that House. The same law obtained with respect to the registrar and deputy-registrar in the Bankrupt Court. Now, if the opinion of the right hon. Gentleman were borne out in law, all these disqualifying clauses were entirely superfluous, because the right hon. Gentleman contended, that the appointment to these offices being in the Treasury, the parties accepting them assumed the character of political functionaries, and were thereby disqualified from sitting in the House. If that were so, why were the disqualifying clauses inserted in the bills to which he had directed the attention of the House, as well as in many more to which he might refer? Why were these disqualifying clauses inserted, except for the purpose of guarding against the construction which he humbly submitted would otherwise have been put upon these offices—namely, that they were not grants from the Crown, but appointments from great offices under the Crown? and this was the distinction he was anxious to press upon the House, not for his own sake—not to maintain any interest of his or to secure any gain to himself (for he had resigned his office and a successor had been appointed), but for the sake of illustrating to the House how necessary it was, that the law upon a point of this kind—important in many respects—should be clearly and distinctly defined. But he was one of those who thought, that the same might be said of this House as of the courts of law, namely, that there was "one law for the rich and another for the poor." He thought, that in that House there was one law for those who were connected with and powerfully sustained by party, and another law for those who were not so connected and not so sustained. He had no doubt, that if the office of registrar of hackney carriages had been given to a second or third class gentleman connected with party and power in that House, no matter by whom the office was conferred, his seat would have been perfectly safe, the question of disqualification would not have been agitated at all, or if it were it would have been passed slightly over, with some such observations as these—"Oh! it is no great matter—the question is not worth mooting—he is doing his duty to the public—he is giving as much labour as he receives salary for, and he is as independent of the Government as the Government is of him." But it was not so when the question related to him, who stood aloof from all party, and whose conduct was governed only by that which his conscience told him to be right. He did not believe, that his case would be worth the tithe of a farthing if submitted to that House merely as a party question; and his experience confirmed that impression, not in one instance, but in many. He would mention only one: the right. hon. Gentleman was kind enough, some ten years ago, under the guidance of the same feeling which remained intact in the party to which he belonged to move, that no individual Member of the House should be concerned in the business of the House. Now, although the right hon. Gentleman did not mean anything personal in that motion, it had a personal application; but applying to a Gentleman immediately connected by party with the Gentlemen who now sat on the opposite side of the House, nothing was said about it. It was this impression — this conviction strongly impressed upon his mind, which led him to proclaim to the public what he really and honestly felt — that there was no justice in that House to any man not connected in some way or other with one of the great parties in it. How had the House acted? There was a committee appointed some years ago, of which by the by the right hon. Gentleman was a Member, to inquire into one of the most monstrous usurpations that ever disgraced the country, and which operated most powerfully and most prejudicially against him individually. The committee held its meetings, instituted its inquiries, and finally submitted a report to the House. But was anything ever done in consequence of that report? Again, there was another committee; a committee more recently appointed—a close committee—a committee which came to a resolution expressly excluding the public—a committee which delayed its report, and from which some Gentlemen at last retired, in consequence of the secret manner in which it conducted its inquiries. At length the report was made, and four-and-twenty hours afterwards the gallant individual, the subject of the inquiry, was decorated with orders, clothed with military honours, and promoted in the service to which he belonged. Instances such as these confirmed him in the impression, that there was often great personal feeling and great injustice in the proceedings of that House. It might be asked, "why with this strong sentiment in your mind, did you not retain your office and take the chance of a re-election?" He would tell the House why he did not take that course. If he had retained the office, vacated his seat, and gone to his constituents, some Gentlemen might have stood forward and said, "I know I have no chance in this borough; all I know is, that some fifty or one hundred electors will give me their votes. I shall proclaim upon the hustings, that all votes given to Mr. Harvey are thrown away; he may have thousands of votes whilst I have but a hundred. I shall present a petition to the House stating, that he has accepted a disqualifying office; I shall obtain a committee, and I will take the chance whether that committee will not declare him to be disqualified." It was impossible that he could have taken that course and have allowed his constituency to be thrown into hands which he knew to be most abhorrent to them. It was, therefore, of great importance, that this question should be set at rest; for although, as he had already observed, he had no personal feeling upon it, although he would as soon, that the writ were issued that night as not (for he knew on whom he could rely, and his constituency knew by whom they could be best represented), yet the matter required consideration and ought to receive it. If, therefore, the Attorney-General should move, as he understood he was inclined to do, that the precedents should be searched, and a committee appointed to consider the question, he (Mr. Harvey) should not dissent from such a proposition. He would neither assent nor dissent, but if the House took the matter up at all, let it do so in the fair spirit of inquiry—let it not limit its investigations to mere technicalities, but let it come to a distinct and definite resolution as to whether the acceptance of an office paid out of the general revenues of the country should or should not vacate a seat in Parliament? Meanwhile he asked the House not to come to a decision upon the subject until they had given it further attention, unless, indeed, they were prepared to come to an unanimous decision, because the right hon. Gentleman (Mr. Wynn) had intimated that the sitting in that House and taking part in its discussions, under the circumstances in which he (Mr. Harvey) sat there, exposed the party so doing to heavy penalties. This was a great matter, although he did not apprehend that it would affect him, even if the right hon. Gentleman's law were correct, because he did not sit there holding office. But these things were sometimes readily seized, and might lead to personal inconveniences, which he was sure the right hon. Gentleman would not wish to impose upon any Member of that House. He hoped, therefore that a committee of privileges would be appointed to consider and report fully upon the question. If such a committee were appointed, it would be in duty bound to consider not merely whether the circumstances under which he was placed acted as a disqualification, but whether the office itself was a disqualification. He apprehended it was not. He had taken the opinion of an eminent counsel upon the point, and he would state to the House what that opinion was. The counsel whom he had consulted was Mr. Rogers, a gentleman whom he was sure all the members of the legal profession in that House would at once acknowledge as no mean authority upon a question of this kind. Mr. Rogers gave his opinion in these terms:—"I am of opinion that although the registrar of metropolitan public carriages may be and is a new office, yet that it is not under the Crown within the provisions of the statute of Anne, so as to render Mr. Harvey incapable of sitting and voting as a Member of the House of Commons, nor incapable of being elected a Member in case of a dissolution of the present Parliament. Having come to this conclusion, I am still more strongly of opinion that the acceptance of the above office is not under the 26th section of the statute of Anne an acceptance of office which renders the election void." Now, that was rather an unusal opinion for a lawyer to give, from its excessive clearness. There was no ambiguity about it. But it would be asked, "if you had such confidence in Mr. Rogers's opinion, why not act upon it?" He would tell the House why. When he submitted his case to Mr. Rogers, and obtained his opinion upon it, he proposed this additional question, "Supposing Mr. Harvey to vacate his seat, and go his constituency, would you advise a candidate opposing him, but not successful at the poll, to present a petition against his return upon the distinct ground that he holds the office in question?" He felt it necessary to put that additional question, because although he knew he should have many thousand electors in his favour, whilst his opponent might have only a very few, yet if the latter came before the House with a petition—calling to mind what he had so frequently witnessed during the last Session—how the benches of the House were crowded when there was to be a ballot for an Election Committee; with what shouts of delight a favourite name was hailed, and with what shrinking terror a hostile face was viewed—he could not help thinking that his chance of favour was altogether contingent. Mr. Rogers, whose political opinions were opposed to those which he entertained, had had much experience upon such matters, and in reply to the additional question put to him said, "Although I have expressed an opinion rather too elaborately, I am afraid, upon the law of the case, I am not prepared to say that if Mr. Harvey should go to the poll I should advise a candidate not to give notice of his disqualification and take the chance of a committee." He had thus vindicated himself from being too hasty, because, although he had this opinion so decidedly in his favour, he remembered how the great body of Gentlemen on the opposite side of the House could double their numbers on occasion—how, ever ready to be doing mischief and preventing good, they could, when the occasion demanded, come down as one man to secure their object. He remembered, too—it was a thing not to be forgotten—a thing not easily escaping the recess of memory—how many Gentlemen on that (the ministerial) side of the House said to him as they passed him on his seat, "Good God! Harvey, surely it is not true—we hear that Government intend to refuse to place your name upon the pension committee. It never can be true." When the day came, he found that a great many of the Gentlemen whose sympathy and commiseration had thus been poured into his ear, went out into the lobby to vote against his being placed upon the Committee. He was sorry to have troubled the House at so much length. He would now leave the case in the hands of the House—himself he placed in the hands of his constituents. (The hon. Gentleman immediately left his seat and quitted the House.)

The *Attorney-General*: notwithstanding the taunts and sarcasms in which the hon. Gentleman had indulged, was satisfied that this would not be viewed nor dealt with as a party question. It was a matter upon which it was highly desirable that the House should proceed with great deliberation. There was a difference of opinion upon the question, although the majority of lawyers certainly entertained a strong opinion different from that given by Mr. Rogers. It was the more necessary that the House should not proceed hastily to a decision, because it was a matter which might come before a court of justice; and it was very desirable to guard against the possibility of a collision of opinion between that House and the courts of Westminster Hall. The question was whether the office held by Mr. Harvey was a disqualifying office. In his opinion it was. Another question arose as to whether it made any difference in the case, that no salary was assigned; in his opinion it made no difference; because the party holding the office might go to the minister of the Crown and say, "assign me a salary," and if the minister refused, he could go to the Court of Queen's Bench and procure a *mandamus* to compel an assignment of salary. There was another point of great importance connected with the case upon which he (the Attorney General) entertained a serious doubt; it was, whether this was an office which *de facto* vacated a seat in Parliament. If hon. Gentlemen would refer to the statute of Anne and the statute of George III., both of which related to matters of this kind, they would find that there were two classes of cases which were held to be of a disqualifying nature. The first statute declared, that if a member of Parliament accepted an office under the Crown, he should not sit nor vote in the House of Commons; and if he did, that he should be liable to a penalty. But there was another class of offices which were said to be immediately and directly from the Crown. Now, in the 41st George 3rd it was said, that if any person, being a Member of Parliament, should accept any office of profit whatever immediately and directly from the Crown, then his seat should become vacant and a new writ be issued. Now, although the office of Mr. Harvey appeared to him to be an office under the Crown, so as to come within the scope of the statute of Anne, yet, being an office appointed by the Secretary of State for the Home Department, he could not say that it was an office held immediately and directly from the Crown. This was a point which deserved great consideration. It was entirely new, and one upon which no decision had yet been given. Under all the circumstances, what he would suggest would be the appointment of a select Committee to investigate the subject and to report upon it; and if he might venture so far, he would farther suggest that the right hon. Baronet, the Member for Tamworth (Sir R. Peel), who on all occasions was ready to devote himself to the public service, should be a member of the Committee. He should conclude these few observations, therefore, by moving that the papers relative to the appointment of Mr. Harvey to the office of registrar of hackney coaches be referred to a select Committee, and that the Committee be directed to report its opinion, whether Mr. Harvey had vacated his seat in the House by accepting the said office.

Sir R. Peel said, that his advice, or rather his opinion (for he would not presume to give his advice), was, that the proposition of the Attorney-General should be at once adopted. That being his opinion, he would not say one word upon the case; but he was bound to say, in justice to his right hon. Friend (Mr. Wynn), that he intimated to him (Sir R. Peel) before the debate began, that if any other person proposed a select Committee, he should at once accede to the proposition; but that his own opinion upon the case was so strong, that no alternative was left to him but to move the issuing of a new writ. If it were the opinion of the House that a Committee should be appointed for the purpose of searching precedents, it would be much better that all discussions should cease at one, so that the members of the Committee might enter upon the consideration of the question with perfectly unprejudiced minds. As far as he was himself concerned, he would much rather that the hon. and learned Attorney-General would excuse him from serving upon the Committee. Original motion withdrawn.

Committee to be appointed.

Registers of Births.] Lord *J. Russell* moved that the Registers of Births Bill be read a second time.

Mr. *Cresswell* thought it desirable to mention to the noble Lord a circumstance relating to this measure, which had recently come to his knowledge. He found that the registrar did not register births and deaths from his own personal knowledge of the facts, but from information given to him either by the parents of the children born, or by the owners or occupiers of the house in which the births or the death might be alleged to have taken place; and that information was often sent to him in writing by a servant. Now it was quite obvious that the registrar must be liable to be imposed upon, and it had already been discovered that frauds had been practised. In some instances most important and serious consequences might arise from representations being made of the birth of a child which might be altogether factitious; and yet it might be exceedingly difficult, after entries had been made in the register, to trace out the parties committing frauds of that description. In Manchester it had been found that persons had represented children to be dead for the purpose of cheating money-clubs, and one or two prosecutions had already taken place for such offences.

Lord *J. Russell* was aware that frauds of the description mentioned by the hon. and learned Gentleman had been committed. In the cases which had been reported to him he had directed prosecutions to be instituted. He hardly knew how any other remedy than that of prosecuting cases where the law had been violated could be devised to meet the mischief complained of.

Bill read a second time.

Affirmations.] Mr. *Hawes* moved, that the General Affirmations' Bill be read a second time. Its object was to extend the benefit of the Bill which was passed last year to those persons who conscientiously felt a repugnance to the taking of an oath, but who did not belong to any of those particular religious sects who at present enjoyed an exemption by law. Quakers, Moravians, and Separatists, had long been released from the necessity of taking oaths in courts of justice; and the measure of last Session extended the principle of the law to those persons who seceded from either one of those sects. But there were many conscientious individuals who had never belonged to any of those religious communities, and it was to them that he now sought the same indulgence to be extended. The first Act passed on the subject was in the 13th and 14th of Charles 2nd. The effect of that enactment was to punish most severely all parties who refused to take an oath. The penalties were extended not only to those who refused to take an oath, but to those who persuaded others not to take one; and the penalty of transportation was even enforced. By the 1st of William and Mary, a greater latitude of toleration was allowed. By that Act the Quakers were allowed to give testimony on declaration; but still their testimony was not admitted in criminal cases, nor were they allowed to sit on juries, or to hold offices of emolument. The 7th and 8th of William and Mary, stated the peculiar hardships the Quakers laboured under from those penalties; the penalties were repealed altogether, and a greater degree of indulgence granted to that sect for a limited time. The 1st of George 1st, made those indulgences perpetual. The 8th of George 1st prescribed new forms of declaration, but those forms were considered objectionable. By the 22nd George 2nd, many doubts were remedied; and in this state the law remained for nearly eighty years. By the 9th of George 4th, the Moravians were acknowledged by Parliament as a class of people entitled to this indulgence; and, by that statute, the indulgence to Quakers and Moravians of making an affirmation was extended in all cases, civil as well as criminal; but, nevertheless, the disability to sit on juries or to hold places of emolument, was continued. By the 3rd and 4th of William 4th, the Quakers and Moravians were put on the same footing, as to their rights, with other persons, and the indulgence was still further extended, so that all persons who could say they had been Quakers were to be entitled to the indulgence and benefits claimed by Quakers. In the last Session, a bill was brought in by his hon. Friend, the Member for Cambridge. A large secession had taken place from the original body of Quakers. Those who had seceded from the original body had been disallowed the privileges of that body; but by this statute all the benefits intended to be conferred on the Quakers were extended to the seceders as well as conferred upon those who had continued to be of the original sect. The whole course of legislation on this subject of late years had been to relax the law in favour of those who conscientiously objected to taking oaths; and it must, he thought, be for the interest of a due administration of justice, and of all parties in the State, that honest and conscientious men should not be excluded from aiding in the enforcement of justice against wrong doers, and be put in a worse situation than more careless individuals. It had been objected, that if persons who were subpœnaed to give evidence in courts of justice were to be permitted to set up at the moment a claim to be exempted from taking an oath, on the ground that they entertained conscientious scruples, the ends of justice might be defeated for want of evidence. To obviate this objection, he had introduced a clause into the bill, by which it was required, that any who conscientiously objected to take an oath should, previously to his having any power to claim an exexemption, register his name in a book, to be kept by the officer before whom the oaths of allegiance and supremacy were taken; and the clause declared, that upon payment of a small fee, such person should be entitled to have his name so registered. The House would perceive that this must be a deliberate act on the part of the individual claiming to be registered. As an illustration of the necessity for this bill he would remind the House of the case of Mr. Wedgwood, the late magistrate at the Queen-square police-office, who resigned his situation because he entertained conscientious scruples as to administering oaths. There were many persons actuated by strong religious motives on the subject of oath taking; and he hoped, therefore, that the House would allow the bill to be then read a second time.

Mr. *Goulburn* did not think it proper, in the present thin state of the House, to enter into a discussion upon this subject, which he should feel it absolutely necessary to do in the further progress of the bill. But there necessarily must be very strong objections to a measure, the real purport of which was this—that every individual who chose to make a payment of 3*s*. 6*d*., might decide whether he should or should not be put upon oath in the trial of any question that might be brought forward in a court of justice in this country. The hon. Gentleman said, indeed, that the individual must register before he could claim an exemption. That was perfectly true; but then he would be at liberty to take an oath at any subsequent period. An individual, therefore, had an opportunity of saying whether his evidence should be given under circumstances that would destroy its validity in the opinion of many—that of merely making a declaration in court; or should be given under that solemnity which would give it validity in the opinion of almost all—namely, that of his being sworn before the court. In his opinion, this was a most serious innovation upon the proceedings of courts of jussice; an innovation of the most dangerous description, and one, therefore, upon which, in a subsequent stage, and when there should be a fuller attendance of Members, he should feel it his duty to take the sense of the House.

Mr. *Gibson* regretted, that he could not agree with the right hon. Gentleman in the opinion that this was a dangerous innovation upon the proceedings of courts of justice; because Quakers, Moravians, and Separatists, had for many years been exempted from taking oaths, and the principle of the present measure was recognised by the bill which was passed last Session in favour of those persons who had seceded from any one of those denominations of Christians. Having extended the benefit of the exemption to them, they were bound, in common consistency, to extend it to the rest of the community. He could not understand why persons who had seceded from the Quakers, Moravians, and Separatists, should be put in a more favourable position than the rest of the community, except the sects from which they had seceded. Nay, they were put in a more favourable position than many who belonged to the Established Church. He thought, this was a very strange way of supporting the Church. It was offering a bonus to dissent, because they were limiting the field in which the members of the Church were at liberty to exercise their consciences. If he were not constrained to offer his opposition to the right hon. Gentleman for the reasons he had already stated, he should feel bound to do so on the general principles of toleration, which he held to be perfectly consistent with a desire to support the principles of the Established Church. It was perfectly monstrous to oblige people to take oaths when they conscientiously declared, that they considered the taking of an oath to be inconsistent with their duty to God. The right hon. Gentleman had said, that if this bill passed, any man on paying 3*s*. 6*d*., might avoid the necessity of taking an oath, as if men would be able to foresee that they should obtain some privilege or advantage in not taking an oath, or as if any man could possibly have any private interest in travelling to a public office and declaring, that he felt it inconsistent with his duty towards God to take an oath. On the ground, then, that this bill was only an extension of the bill of last Session, on the ground that it would be a measure favourable, instead of being unfavourable, to the Established Church, and on the ground that it was consistent with the interest of the established religion, he should give his vote in support of the motion for the second reading of the bill.

Mr. *Law*, on this occasion, should pursue the same course as that adopted by his right hon. Friend, and not enter at any length into the question. He must, however, complain of the Bill as being not so much an innovation on the proceedings of our courts of justice, as an extension of a principle which had already been introduced in those proceedings, and which had been most mischievous in its effects in the administration of justice generally. All those who had been in the habit of attending courts of justice, must have observed with what extreme jealousy juries regarded the evidence of persons who claimed to be exempted from taking an oath. It often happened that jurymen would interrupt the Court, when summing up the evidence, with the observation—"My lord, I believe that witness has not been sworn." He was convinced, if there was a case in which six witnesses should be examined who declared that they entertained conscientious scruples respecting taking oaths, and therefore were allowed to give their testimony upon a mere affirmation, and in which six other witnesses should give their testimony under the solemn obligation of an oath—that, ordinarily speaking, the jury would be disposed to act upon the testimony of those who had taken the oath, rather than upon the evidence of men who had declined, from religious scruples, to give the best security to the public which the law provided against false testimony. It was on the ground, therefore, that the further extension of the principle of dispensing with the obligations of an oath would endanger the security and confidence which the public now felt in the administration of justice, that he should give to this Bill his most strenuous opposition.

Mr. *Pryme* thought, that a jury would receive the testimony of persons who gave their evidence under a solemn declaration before the Deity that they would speak the truth, with quite as much confidence as they would the testimony of men who went through the form of an oath in the hurried and irreverent manner in which oaths were sometimes administered in courts of justice.

Bill read a second time.

JUDGES' SALARIES (SCOTLAND).] The Order of the Day was read for the House resolving itself into a Committee, on the subject of the Salaries of the Judges (Scotland).

The Lord-Advocate moved, that the Speaker do now leave the chair.

Mr. *Gillon* should oppose the Speaker leaving the chair, because he did not conceive that there was any necessity for the present measure. The increase now contemplated in the salaries of the Scotch judges was totally uncalled for and unjustified under the present circumstances of the country. This was a period when the Government and Parliament were called upon to exercise a most rigid economy in all the departments of the State; some urgent necessity, therefore, ought to be established to warrant the learned Lord in making any proposition for an increase of the salaries of the judges in Scotland. The salaries of these judges were increased in 1810. Previous to that year, a Scotch judge received 1,280*l.*; in 1810, the salary was raised to 2,000*l.*, and upon what ground? Why, to enable the judges, as it was alleged, to keep pace with the increased expense of living at that time. The year 1810 was about the most expensive year during the whole war; the price of wheat was no less than 116*s.* a quarter. Within the last few years, however, wheat had been even as low as 36*s.* a quarter; and although the price had become somewhat high in the present year, in consequence of a deficient harvest, yet it was not possible that the present high price could continue; for if the landlords would not grow a cheap loaf in this country, the Chambers of Commerce at Manchester and elsewhere, would take care that the people should get it from abroad. Therefore, upon the score of the dearness of living, there was no ground for the present proposition. Besides, it should be borne in mind, that the Bill of the right hon. Baronet, the Member for Tamworth, for the resumption of cash payments, had come into operation since 1810, by which the value of all fixed incomes had been materially increased, while incomes arising from land had been most materially diminished. He would remind the House, that in 1834, a Committee was appointed to consider this very subject, and it was somewhat extraordinary, if the urgency for raising these salaries were so great, that the Report of that Committee should have been allowed to remain a dead letter up to this moment. If these judges were in such a state of destitution and poverty, why had they been suffered to linger on in this state for five years, and why was the subject only now brought forward? A gentleman of the name of Hamilton, a man of great experience in these matters, was examined before that Committee, and he would direct the attention of the House for a moment to that gentleman's evidence. Among other questions, he was asked—"whether he thought in case of a person who had a fixed income of 2,000*l.* a-year, and another who had a landed estate of the same yearly amount, the former would be in an infinitely preferable situation to the latter?" His answer—"Yes, I should certainly consider that he would." He (Mr. Gillon) would contend, that these Scotch judges with their 2,000*l.* a-year were upon a par with any landed gentleman of 4,000*l.* a-year. If they repealed the Corn-laws, the incomes of the judges would be still further increased. He was prepared, as a landowner, to suffer loss, if the loss really went to benefit the productive power in the country—the working classes,—but he would not consent to loss for the benefit of the moneymongers or of the public servants paid by fixed salaries. It was stated, as an argument for increase, that the judges could not live on their present salaries. The Lord President had a salary of 4,300*l.* a-year, and the Lord Justice Clerk was paid 4,000*l.* a-year. Mr. J. Hope stated before the Committee to which he had referred, that his father held for twenty-three years this office, which led to such wretched poverty. Why, some men would be poor with an income of 40,000*l.* instead of 4,000*l.* The five puisne judges, the judges of the Court of Justiciary, had salaries of 2,600*l.* a-year; one of them had an additional salary of 600*l.* a-year for doing the work of the Exchequer Court, whilst another, acting as third judge of the Jury Court, had also an addition of 600*l.* He had already stated, that living was cheaper now than it was a few years ago; and there was no city in the empire where they were able to hire houses of the best description at such moderate prices as in the city of Edinburgh. Was the increase claimed on account of the work done? If it were proved that the judges were hard worked, he might vote for an increase, but what was the evidence upon this point? It was proved that they did not work more than four months in the year, and that there were nearly eight months of vacation, and the period of their sitting in 1834 was, on an average, one hour and a-half a-day. It might be said, that some of the courts had been abolished, and that the transfer of work had caused an increase; but Mr. Hay, who was examined before the Committee, stated, that the average of the four years before the Judicature Act passed, was 2,143 cases, and between the 1st of January, 1832, and the 1st of January, 1833, the number of cases stated to have entered the upper House, was only 2,037, so that notwithstanding the transfer of the judicatures, there had been a diminution of business; and from the delay and difficulties in the form of proceeding, it was constantly falling off. He denied that the increase of salary was necessary, because they could not command the services of the best gentlemen at the bar. He was exceedingly glad to hear the other night the encomiums which proceeded from both sides of the House on the efficiency, of the judges, although he had seen a letter which declared that one learned Lord was as deaf as a post, whilst another was greatly afflicted. The right hon. Baronet, the Member for Tamworth, was examined before the Committee, and he laid it down as a principle, that they should not care to provide such an income as might be necessary to cause the acceptance of the office by every member of the bar, but that it was of great importance to give such a salary as would ensure the acceptance of the office by lawyers having the public confidence. It was stated by Mr. Hope that his income had averaged 6,000*l.* a-year; but this was an extraordinary case, for Mr. Hay stated, that there were not above three members of the Scotch bar making above 3,000*l.* a-year, and he (Mr. Gillon) thought, that even here Mr. Hay was overstating the case, for he was informed, that probably there was not one individual, with the exception of the learned gentleman (Mr. Hope) who made 3,000*l.* a-year. The diminution of fatigue in discharging the office of judge was so great that a salary of 2,000*l.* a-year would be eagerly caught at by a gentleman at the bar making even 3,000*l.* a-year. The fact was, however, that they had always in Scotland commanded the best talent at the bar for the bench. The criminal jurisdiction was also highly praised the other evening for its efficiency; and if it deserved the praise, what necessity was there for adding to the judges' salaries? If the judges exercised a proper economy, and lived in a style fitting a magistrate and a judge, the salary was sufficient to maintaid them; but at present they constituted themselves a sort of petty local aristocracy, and sought to lead the fashion in Edinburgh. Again he would direct the attention of the House to the opinion of the hon. and learned Member for Dublin, who was also examined before the Committee. That learned Gentleman declared, that it was an evil for the judges to form any thing like an aristocracy; they ought not to be separated from the middle classes, and ought to maintain a rank suited to their station; and the hon. and learned Gentleman went on to say, that the Irish judges were higher paid than the Scotch. He (Mr. Gillon) believed, however, that they were rather more worked, and, in the next place, the selection was not fortunate, for the hon. and learned Member stated also, that the judges in Ireland gave anything but satisfaction. Whilst, therefore, the lower salaried judges in Scotland satisfied the people, the higher paid Irish judges were not equally approved of. He (Mr. Gillon) approved, however, of that part of the report which recommended that the judges, after a certain time, should retire upon full salaries. Considering, therefore, that the increase in the salaries was uncalled for by the people of Scotland, considering that they were satisfied with the present system, and that, under this system, they had commanded the best talent at the bar, he would resist it; and he would move, as an amendment, that the House should resolve itself into a Committee of Supply that day six months.

Mr. *Hume*, in seconding the motion, said that the House ought to have had before them the reasons for the increase to induce them to agree to the resolution. The question now came before the House in a very extraordinary manner; they were called upon to make a grant of money without knowing the reason. They ought to have been stated, and the right hon. Gentleman had not stated them. He agreed in the opinion that they ought to have good judges, and that they ought to be adequately paid. The want of an adequate payment for judges he thought a great evil; it was the worst possible economy, but the question he would put was whether the country had experienced any inconvenience from the low salaries of these judges? He would answer no, so far as the evidence he had read and heard proved, and he was, therefore, unwilling to agree to any increase. Sir William Rae had been Lord Advocate for fifteen years, and when he was asked whether he recollected any instances of the judgeships being refused on account of the low salaries, he answered, "Yes; one or two;" but these two cases might be put under the principle so well laid down by Sir Robert Peel in his evidence, that they ought not to be taken as a standard of the highest income which any gentleman at the bar might acquire, but the average of the good lawyers. On that ground, therefore, he would not consent to increase the burdens of the country. Another objection which he entertained, was the existence of great abuses and of antiquated forms in these courts, and further that the judges did not work as the judges in England did. They had seen that the court sat only 105 days in the year, and that on an average their time of sitting each day did not amount to two hours. They had, therefore, seven months vacation. He further objected, therefore, to any increase of salaries till the abuses were remedied, till the antiquated forms were done away, and till they ensured the devotion of the whole time of the judges to the business of their courts. He knew that they were told the judges took the papers home to read and deliberate upon, but how did the public know what the judges then did? They knew very well what the judges did on the bench, but when they saw the judges retire for months to their country houses, the public had just ground of complaint. Was the country in a peculiarly favourable position for this grant of money? He found by the returns, that the courts of justiciary in Scotland last year received 78,443*l.*; he believed that 40,000*l.* of this sum went to the supreme court, and if it were properly applied, and the number of the judges were reduced it would be quite sufficient for all purposes. He would especially ask the right hon. Gentleman, the Chancellor of the Exchequer, whether, after five years had elapsed since the presentation of the report, they ought now to proceed upon it? Let them look too at the expenditure and revenue of the country. He held in his hand a balance-sheet, signed E. J. Stanley, and dated 3rd May, 1838, by which it appeared that the excess of expenditure over income amounted to no less than 1,480,000*l.* Ought they, then, to be so very liberal with the public money? He had been favoured with the amount of the increase proposed, and he would state it to the House. It was proposed to add 700*l.* a-year to the income of the Lord President, raising it from 4,300*l.* to 5,000*l.* a-year; to add 600*l.* a-year to the income of the Lord Justice Clerk, raising it from 4,000*l.* to 4,600*l.*; and there was to be added to the incomes of all the others, who received only 2,000*l.* a-year, the sum of 600*l.* It was one of the anomalies of that Court that the judges who ought to have the same duties to perform had different salaries. In his opinion that was not right, and before they gave a vote for money they ought to have the plan of the Government before them, so that they might know in what way they intended to remedy the evils complained of. It was a mere gratuitous waste of the public money, the more especially at a time when the expenditure of the country so much exceeded the income. He was not, as some people foolishly believed opposed to the payment of adequate salaries; but he said that if there were ten men at the bar equal to the station, and if one of those ten men would go to the bench on the present salaries, the right hon. Gentleman, the Chancellor of the Exchequer, and the learned Lord ought not to pledge the House to an increase of the salaries. He was only discharging his duty, therefore, when he opposed the profusion contemplated by the learned Lord.

The *Lord-Advocate*, having already expressed his views upon this question, and having an opportunity of speaking in Committee, would not at that stage trouble the House with a new statement.

Mr. *Edward Ellice, jun.*, (St. Andrews) was one of those who thought that the judges were not sufficiently paid in Scotland. He was prepared, therefore, to vote for an increase of their salaries, and that they should retire, on their full salaries, after a certain period; but, after what he stated the other night, he could not vote for the present motion without receiving an assurance from the Lord Advocate that there should be a reduction in the number of judges, that the courts should be rendered efficient, and that all necessary improvements should take place in the system. He had come down to that House to vote for the motion, expecting the necessary information and pledges to be given; that information and those pledges had not been afforded, and he would now vote for the Amendment of the hon. Gentleman. He wished also to take that opportunity of stating, with reference to what had fallen from him the other night, that he was desirous of expressing his regret that he had used a phrase unintentionally, and which was not warranted by the circumstances. He deeply regretted that he had given pain to some who were present, and probably to others whom it had by this time reached. He hoped that the House would give him credit for not intentionally using a phrase that would give pain to any one; he assured them that it fell from him in the hurry of a debate. The learned Lord, however, to whom he had referred, was 80 years of age, and had been subject for some years to an utter prostration of strength. He had read somewhere in history, which accorded with his views, and which, with the permission of the House, he would give as his own.

"A time, too, would, sooner or later, come when these judges would begin to suffer under the infirmities of age. There would be a feeling that they were honourable men—that they were men of intellect; and yet there would be a conviction that their powers were failing. Who, then, would have to determine whether they ought or ought not to retire? He took for granted that the House would not allow the Crown to dismiss a judge of its appointment. What authority, then, must give him the hint to retire? The judge might possess integrity, impartiality, independence, learning, competency; but when his powers began to decay the painful question would arise as to who should suggest to him the propriety of retirement,"

He assured the House that he made the statement unintentionally, He thought the country owed those learned Lords a debt of gratitude for their past services, but still he was bound to state their present condition, which was undermining that confidence which it was necessary should be confirmed as much as possible in the minds of the people of Scotland,

Mr. *Aglionby* had read carefully the evdience which had been given, and after he had heard the statements of the hon. Members who had moved and seconded the present Amendment, he had come to a conclusion, that they ought to give an increase in the salaries of the judges in Scotland. The evidence which had been taken before the Committee clearly showed the salaries of the judges to be insufficient, for several of the witnesses examined had distinctly stated, that in consequence of the inadequate remuneration, many barristers of standing, to whom, only of course, such situations would be offered, had refused to accept seats on the judicial bench. The opinions expressed by the witnesses were, in many instances, extremely strong, and the inference drawn by some of them was, that the public were deprived of the full benefit of the assistance of those members of the bar who had reached the top of their profession, in consequence of the attraction presented to them being insufficient to tempt them to enter upon the laborious duties which they would have to perform. He quite agreed with the opinion of the hon. Member for Kilkenny, that it was the worst economy to employ inferior talent, and to pay the judges inadequately. It was not satisfactory to the country or the suitors in the courts, that such a course should be pursued, at least in the administration of justice, and he begged to ask, whether the salaries which were paid to the Scottish judges were sufficient to avoid the possibility of such a conclusion being arrived at? It was certain, that while the salaries remained in their present state, there was but little hope, that men of talent and acquirements, who were well employed at the bar, would quit their professional occupations, when, by the exercise of mere ordinary talent and industry, they might make a better provision for their children than they could hope to do by accepting a judicial seat. The refusal, then, to provide the judges with a proper remuneration for their labour and for the exercise of their talents—a remuneration which would enable them to support the dignity of the situations which they held in a manner becoming their ranks, so far from its being extravagant was econemical, and was, indeed, necessary to secure the satisfaction of the people. It was upon these grounds, that he begged to support the motion of the learned Lord.

Mr. *Wallace* was one of those who had wished to give his vote in favour of this motion, but he found himſelf compelled to adopt a different course. From the report of the last Session he had taken an account of the money expended yearly in the payment of the judges of Scotland and their clerks, and he found that it amounted to no less a sum than 40,000*l.* Any one who had made himself acquainted with the system and its abuses, would be perfectly well aware, that, in reality, there was no necessity for the employment of these clerks; but, in spite of their entire uselessness, the country was saddled with their support at an annual cost of 4,000*l.* On dividing the charges for the judges among those functionaries, he found, that the amount paid to each was 3,800*l.*, and he thought the House, with this fact before their eyes, ought to consider well the necessity of giving them 4,600*l.* more before they went to a division. He begged to remind hon. Members, and more particularly her Majesty's Government, that of late years almost all the speeches from the Throne, whether of King's, or of her Majesty the Queen, had referred to the administration of justice, and had expressed a desire that it should be improved, and he begged to inquire whether the wishes expressed in those speeches had been fulfilled? If they had, as regarded England and Ireland, he was bound to say, that such was not the case with reference to Scotland, for there had of late years been no improvement whatever in the system of administering the law in that country. What did the judges do there? They attended in Edinburgh during four or five months in the year, and after that, instead of their being employed in the performance of their duties, they were not in Edinburgh at all, but at their country seats engaged as country gentlemen might be. The suitors, however important their interests might be, were dispersed three times in the course of the year in consequence of the system which prevailed, under which the judges went to look after their amusement or their business in the country. The result of this was, that when the Scotch judges might be supposed to be engaged in the transaction of the duties of their office, they were very possibly seen on the Continent making the grand tour, while many of them might also be seen enjoying the gaities of the English metropolis. He found that the duties of the judges consisted in their sitting on 104 days in the course of the year for two hours each day. Their salaries, it was true, might be smaller than those paid to persons filling the same situations in England; but if they were, their labours were also less, for the English courts usually sat during six hours each day, while the period of their sittings usually extended to ten months out of the twelve. Let the Scotch judges perform their duties like the English judges, and let them be subjected to an amount of labour greater than that which they now performed, and he should be glad to remunerate them commensurately. But what was now to be done? The same old jog-trot method was to be insisted upon; the seven months' holidays were still to be persisted in. He was governed by facts in what he was stating, but he knew that a countervailing power existed in Edinburgh, which would overthrow that of the learned Lord, and even of the Home-office too. He did not take any mean or miserable views upon this subject; but he asked for justice, and he said, that the whole time of the judges should be bought by the country, and that they ought not to be allowed to have the power of going away into the country during so great a portion of the year. This was his complaint, and it was the same which he had often made in this House before, and he was sure, that when he reminded the House of the admission which had been made the other night, that there were four of the fourteen judges (one of whom was the Lord Chief Commissioner) unable, from infirmity, to perform their duties, they would agree with him in saying that it was a just one. [The *Lord Advocate*: The Lord Chief Commissioner has resigned]. He was told, that the Lord Chief Commissioner had resigned; but that altered the case in a very slight degree, for that left three in the position he had described. He should not, however, trespass further upon the time of the House; but conclude by expressing his intention to vote in favour of the Amendment of the hon. Member for Falkirk.

The House divided on the original question:—Ayes 56; Noes 27;—Majority 26.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Aglionby, H. A.
Arbuthnott, H.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Berkeley, hon. H.
Bernal, R.
Blakemore, R.
Burr, H.
Chalmers, P.
Clerk, Sir G.
Clive, Lord
Collier, J.
Craig, W. G.
Dalmeny, Lord
Duke, Sir G.
Dundas, C. W. D.
Fremantle, Sir T.
Gordon, Captain
Hastie, A.
Hinde, J. H.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, P. H.
Hughes, W. B.
Humphery, J.
Ingham, R.
Liddell, hon. H.
Litton, E.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Murray, A.
Nicholl, J.
Parker, J.
Praed, W. M.
Pringle, A.
Pryme, G.
Rice, rt. hon. T. S.
Rushbrooke, R.
Russell, Lord J.
Sinclair, Sir G.
Tancred, H. W.
Troubridge, Sir E. T.
Turner, E.
Williams, W. A.
Wilshere, W.
Winnington, H.
Wood, C.
Wood, Sir M.
Wynn, rt. hon. C.

TELLERS.
Lord Advocate
Maule, F.

List of the Noes.

Blewitt, R. J.
Brotherton, J.
Bruges, W. H. L.
Butler, hon. col.
Davis, Colonel
Divett, E,
Ellice, E.
Evans, W.
Finch, F.
Hawes, B.
Heathcote, J.
Hindley, C.
Langdale, hon. C.
Lushington, C.
Morris, D.
Parker, R. T.
Rundle, J.
Salway, Colonel
Stanley, W. O.
Stansfield, W. R.
Strickland, Sir G.
Style, Sir C.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Yates, J. A.

TELLERS.
Gillon, W.
Hume, J.

House in Committee.

The *Lord Advocate* said, that he had been most willing and most desirous on the one hand to submit the propositions, which he intended to make, to the consideration of the House before the question came on for discussion; and on the other, to enter into a statement of his views before the House went into Committee; but upon his making inquiry upon the subject, he had been assured by those who were best acquainted with the forms of the House, that his doing so would be inconsistent with the course usually pursued. Having been assured, that the rule was one from which there could not be any deviation, he thought it rather hard that it should be made a matter of complaint against him, that he had not laid those matters before the House, when he had been most anxious to do so. He was not desirous now of stating more than his general views upon the subject under discussion, and he was not anxious that those opinions which he professed should be finally adopted by either side of the House, and he should therefore propose nothing more than a general resolution; but at the same time he felt bound to state such circumstances as would satisfy hon. Members, that they were proceeding on safe ground in acceding to that resolution. He must first express his utter astonishment at the statement made by the hon. Member for Kilkenny, that there had been no reduction in the judicial establishment; and also at the allegation of another hon. Gentleman, that a disposition existed to adhere to antiquated forms. As to the first point, he must say, that no ground whatever existed for the statement. There had been a great reduction in the number of judges. The five judges of the Court of Exchequer had been removed, and their duties were performed by a judge of the Court of Session, with a salary of only 600*l.* a-year additional, which was infinitely smaller than the amount paid to the original judges; the Court of Admiralty had been abolished, and four commissioners had been taken away, and even a reduction of the Court of Session had been made by the removal of two of its Members. From these reductions a saving was effected, of the amount of which apparently most of the hon. Members who had voted against his motion were unaware, but which, in fact, amounted to 54,000*l.* per annum. The hon. Member for Greenock had said, that the expenses of the judicial establishment amounted to 40,000*l.* a year now; but how that sum could be paid, under the Act of the 10th Geo. 3rd, he was at a loss to know; but even if that statement were correct, the saving effected was much greater in amount than the sum which it was stated was now annually paid, and certainly greater than had ever been effected in any other judicial establishment in England or Ireland. There certainly had been an incongruity pointed out in some of the judges enjoying a salary of 2,000*l.* only, while others were in the annual receipt of 2,600*l.*, and all that he proposed to do, and all that was ever stated to have been proposed, was to equalize the salaries of the judges. With regard to the retiring allowance to be made to judges of the age of seventy years, and of fifteen years standing as judges, he was willing that they should receive their full salaries on their retirement, and he thought that hon. Members who had voted against going into Committee, without being acquainted with his views upon this subject, or on that to which he had last referred, did not at least act either wisely or candidly towards him. He would ask, however, how was the existing system to be altered better than by an equalization of the salaries? That was the chief, and, indeed, almost the only point on which he intended to suggest any change; a small addition to the salary of the Lord President being the only other matter of importance on which he proposed that any new arrangement should be made. It had been asked what had been done in the way of amending the system? He begged to remind the hon. Member for Kilkenny of one point—that of reducing the fees of court to the amount, as it was calculated, of 14,000*l.* a year. The hon. Member, when that was done, said, that it was beginning at the right end, and he did not see that anything that had since taken place could lead to the conclusion that any error or neglect had been committed. He apprehended that no further reduction in the salaries of the judges could be made, because to any proposal of that kind, it might be objected on the other side that the provision made, fell far short of an establishment suitable to Scotland, more especially in comparison with the salaries paid to the judges in England. In making the proposition, therefore, which he now laid before the Committee, he was carrying to the utmost extent the views of many hon. Members whose opinions were in favour of the establishment being supported in a liberal and ample manner. Having stated this, he did not think it necessary to occupy the time of the House; but he must express his surprise that he had received no approbation for those measures whish had been carried for the improvement of the constitution of the courts, and for the advantage of suitors. He felt bound, however, to trespass further upon the attention of the House to allude to one subject, to which reference had been made. It had been said, that the number of judges should be reduced, or that further duties ought to be imposed upon them. With regard to the first point, the expediency of the adoption of the suggestion might be very easily brought before the House, and the evidence of practical men having been already obtained upon this matter, the possibility of a reduction might be easily decided. The judges were acknowledged to be of great ability, and he must say, that their time was fully employed. It was quite a mistake of the hon. Member for Kilkenny when he said, that they were not in the habit of sitting more than two hours on each day. They frequently sat until two or three o'clock, and the most laborious duties were performed as well in court as out of it. The hon. Member had said, that the judges should perform all their duties in court, but he would mention one case to shew how utterly impossible it was, that such a plan could in all instances be pursued. One of the judges was occupied for a very considerable time in the consideration of cases of accounts, involving many very difficult questions. He should not exaggerate if he said, that they amounted to 150. There was one of these cases on which an accountant had bəen occupied during a period of three years. The learned judge had to consider the case at home—out of court, and he had to read no fewer than 2,000 documents. He asked, then, could such a case be disposed of in court? Could it be disposed of in court in England? He would venture to say, that it could not; and besides he would be borne out by many hon. Members who belonged to the legal profession, in stating, that where such causes arose instead of their being openly tried, they were decided by arbitrators appointed by an order of court or by masters of chancery. The duties, however, which were thus thrown off the shoulders of the judges in England, in Scotland were performed by the members of the court of session. How then, could the number of judges be decreased? Was not their time fully occupied? There were two chambers each composed of four judges; but would the hon. Member for Greenock propose, that either of these should be diminished in number? All were agreed that four judges was the smallest number, and at the same time the most suitable that could be selected. It could not be said, that both should be reduced; and then he supposed, that the hon. Member would propose to reduce one only. It might be his opinion, that such a course would be advisable, but he believed, that no other Member of that House concurred in that belief, for if the House were to divest the judicature of Scotland of these courts, acting as they did as courts of appeal, he must say, that he thought that the administration of justice there, would be in a most dangerous position. It would be a most alarming change, and he thought, that the person who would propose such an alteration would incur a responsibility of a most weighty character. With regard to any changes which had been hitherto made, he was bound to say, that he had never been subjected to control, either from the noble Lord (Lord J. Russell), or in any other quarter, and he must admit, that so far from any mischief having arisen from the want of changes, the frequent alterations, that had been made were more likely to produce that effect. The learned Lord concluded by moving a resolution to the effect, that the judges be allowed to retire after fifteen years' service, on the full salary attached to their office.

Mr. *Hume* had no objection to this resolution, which went only to provide for the retiring allowances of the judges, and not to increase their salaries.

Resolution agreed to.

The *Lord Advocate* then moved a second resolution:—" That it is the opinion of this committee, that provision should be made by law to allow her Majesty to increase the salaries and retiring allowances of the five puisne judges of the court of session."

Mr. *Gillon* opposed the resolution. Considering what was the amount of the labour actually called for from the judges and looking at the remuneration given, he was of opinion, that the present salaries were amply sufficient. It appeared by the evidence of Lord Jeffery before the committee of 1834, that the average time occupied in the daily session of the court was one hour and a half only. With respect to what had fallen from the hon. Member for Cockermouth as to getting persons of eminence at the bar to accept the office of Judge, he contended, that a salary of 2,000*l.* a-year would enable them at all times to have a sufficient number of candidates for the office. Considering the business that these judges had to do, and that the average duration of each sitting was not more than an hour and a half, the remuneration appeared to him extremely ample. He, therefore, should move an amendment, that—

> "While that House was desirous that every judge of the land should be adequately remunerated, they were of opinion, that the whole time of those Judges should be devoted to the public service, and that although the salaries of the judges of Scotland were less in amount than the salaries of the judges in England, it was sufficient to maintain the dignity of the office, and to promote the due administration of justice, which would never be endangered by the want of first-rate talent at the bar to accept the office."

Sir *G. Sinclair* rose to tender his acknowledgement to her Majesty's Ministers, with whom he had seldom had the good fortune to agree, for the measure which they had just proposed, and which he could assure them would create great satisfaction throughout Scotland, a satisfaction, however, which he felt was not without some alloy; for he had hoped that his learned Friend would have announced that he intended to ground his motion, and determine the amount of the increase to be granted to the Scotch judges, on the terms of the report of the Committeee of 1834, of which he had enjoyed the honour of being chairman, and of which the third resolution was, that the sum of 1,000*l.* should be added to each of the salaries of the Lord President, and the Lord Justice Clerk, and that the salaries of the other judges should be fixed at 3,000*l.* a year each. That was the arrangement which the circumstances of the case required, and which, he again repeated, would give satisfaction to the great majority of the people of Scotland. There never had been a committee more fairly formed than the Committee of 1834. Lord Althorp was at that time Chancellor of the Exchequer, and had revised with great care the names put upon the list. It had conducted its operations with great diligence and caution, and he took shame to himself that its recommendations had been suffered to sleep so long in abeyance. The facts stated in its report were supported by witnesses of the highest character. The Committee had had before them Sir William Rae, Lord Jeffrey, Lord Brougham, Sir S. Shepherd, and other eminent characters, and these witnesses had one and all agreed that the salaries now proposed to be granted to the judges of Scotland were not commensurate with the justice of the case. It had been stated in the course of the discussion, that you could get men of talent at the Scottish bar to act as judges for 2,600*l.* a-year. But it was notorious, that there had been instances of men of eminence at the Scotch bar refusing seats upon the bench until they found their health to be declining, and their strength gradually failing them. He might mention the case of the Lord President Blair, who was past sixty years of age before he accepted his high situation, also Sir Matthew Ross, and two or three other persons, were in a similar situation. He confessed, that he was not a little astounded at perceiving the hon. Member for Falkirk now come forward with so much acrimony to oppose these resolutions, when he recollected that the same hon. Member in the last Session of Parliament had publicly avowed that an income eleven times the amount of that of those judges was too little to support the rank of his Royal Highness the Duke of Sussex. His Royal Highness had as much as eleven judges, he had no taxes to pay, and yet it was stated that he was in embarrassment and could not afford to continue President of the Royal Society. Nay, more, the hon. Member for Falkirk, who told them that 3,000*l.* a year was too much for a Scotch judge came down to propose that a considerable addition should be made to his Royal Highness's income. He (Sir G. Sinclair) contended that it was not right for the House to calculate how little a man of eminence would condescend to take to perform certain services; the House ought rather to consider how much it was its duty to give. It was not right for the House to calculate on what sum a judge could barely subsist; the House ought rather to consider what salary would enable him to support his rank in comfort, and to make a provision afterwards for his family. He assured her Majesty's Ministers that unless they adopted the resolutions of the Committee of 1834 they would not attain the object which they professed, and he believed truly, to have in view. He spoke on this subject as a witness; for, if he might form a judgment from his own expenditure whilst a resident in Edinburgh, he should say that on the salaries which the Scotch judges now received, that it was quite impossible they could live as became their rank, and still make a provision for their families. He was glad to hear the merits of the judges now on the bench in Scotland so warmly acknowledged by the hon. Members opposite. Never were men so eminent before on the bench. They were the very best men that Scotland could produce; and he mentioned that fact to do honour to the Administration of his right hon. Friend the Member for Tamworth, who had elevated to the bench many individuals who were distinguished as much by their opposition to him as by their general talent and high character. He appealed with confidence to hon. Gentlemen on both sides of the House, and thought that the Scotch Members in particular would acknowledge with him that the object of the Government would be most effectually obtained if the learned Lord would make the report of the committee of 1834 the groundwork of his resolutions. He (Sir G. Sinclair) should be ready to take his share of any obloquy which might arise from such a grant, although he candidly confessed that he did not expect that any obloquy would arise from it. There would be other stages of the Bill at which it would be competent for him to make further observations on this subject. He would, therefore, not trespass further upon their indulgence at present.

Mr. *Hume* thought it very singular that his hon. Friend the Member for Caithness should not be aware that he had advanced in his speech the very strongest argument against his own recommendation. His hon. Friend had stated, that every Gentleman who had yet spoken had admitted the great talents and eminent attainments of the learned judges who now sat upon the bench in Scotland, and had wound up his climax by affirming that they were the very best men that Scotland could produce. Now, if that were really the case, if they had already got upon the bench, the best men that Scotland could produce, what more did the Gentlemen opposite want? His hon. Friend was pleased to intimate that the House ought not to be guided by the principle of ordinary life—namely, that of getting the best servants on the cheapest terms, but that it ought to act upon the principle of a generous liberality. Who were to be the judges of what was meant by that species of liberality? His hon. Friends, the Members for Scotland, and he had never heard any one of them object to get as much as he possibly could? His ground of opposition to the present resolution was, that the House had not a grain of evidence to vote an additional shilling to the salaries of these learned personages. Some gentlemen talked of liberality, but they had nothing to do with liberality in that House. As private men, hon. Members opposite might be liberal; but as public men, it behoved them to be just. Who were the parties for whom hon. Gentlemen appeared in that House? The people of England and Ireland, not the judges of Scotland. Why should the people of those two countries be taxed for the benefit of the Scotch judges? If Scotland had already on the bench the very best men she produced, what was there she could ask for more? He would now say a few words to the Lord-Advocate. That learned Lord seemed very sore, that any question should be made about voting money for such a purpose as that for which he then asked it. Now, the objection which he and his Friends made to vote away the public money without a single reason being assigned for it, ought not to have surprised the noble and learned Lord. This was the very first time within his experience, that a proposition had ever been made for the Speaker to leave the chair, in order to get a grant of money in Committee without any reasons being assigned for it. The evidence attached to the Report of the Committee, afforded no reason for this proposed increase of salary. The labours of the Scotch judges did not exceed an hour and a half a-day. [The *Lord Advocate* intimated his dissent.] Did the learned Lord mean to deny the truth of the evidence attached to the Report? No such thing. The evidence of Lord Jeffrey had been read. Was that to be credited? Yes; and why? because his testimony went to demonstrate the necessity of increasing the salaries of the judges, and therefore it was, of course, to be held good. Now, he asked the House to recollect in what situation Lord Jeffrey stood when he gave that testimony. Lord Jeffrey was then a judge in expectancy, and had the prospect of the bench before him. Was the learned Lord to be allowed to characterize one part of the evidence as worthy of credit, because it favoured his view of the subject, and to stigmatize another part of it as unworthy of credit, because it was opposed to his opinions? The opposition to his resolutions, which seemed to trouble the learned Lord so much, was not raised to give him individually trouble, but to get several necessary changes made in the judicial system of Scotland before this money was granted. He wished to strengthen the hands of the learned Lord. All he wanted was, that while the judges were amply remunerated, the abuses of their courts should be effectually remedied. He had not heard a single fact stated, why the salaries of the Scotch judges should be increased, and he, therefore, thought that it would be a waste of public money to grant any additional income to them at present, especially as they had already the best men in Scotland to throw the public money on.

Sir *G. Clerk*, instead of thinking that the Scotch Members displayed any eagerness to obtain increased allowances for their own countrymen, as the hon. Member for Kilkenny had insinuated, thought they were rather liable to blame for having allowed this question to remain so long unsettled. This question, as to the propriety of increasing the salaries of the judges of Scotland, was first brought forward so long back as the year 1825: but the House declined to interfere with it at that time, because it was stated that great changes in the constitution of the Scotch courts were in contemplation, and because it was argued that until those changes were made, it would be premature to increase the salaries of those who presided in those courts, In the years 1829 and 1830, his learned Friend Sir W. Rae, who was then Lord-Advocate, brought forward a series of measures to improve the judicature of Scotland, and to carry into effect certain reductions in its courts. He brought in a measure to abolish the Admiralty Court and also the Commissary Court, and to reduce the number of Barons in the Court of Exchequer, and of the judges in the other courts. If the hon. Member for Kilkenny would read the evidence given by Sir R. Peel to the Committee of 1834, he would see that Sir R. Peel had avowed, that it was his intention to have increased the salaries of the judges when that reduction was made in the number of them. He considered, that great merit was due to his hon. Friend, the Member for Caithness, for having obtained the appointment of the Committee of 1834. The result of the careful inquiries it instituted was, that it came to the unanimous vote that the salaries of the Scotch judges ought to be increased. He regretted to learn from what had just fallen from the Lord-Advocate, that his proposition would not go so far as the recommendations of that Committee. The resolution in the hands of the Chairman was only to the effect that it was expedient that some increase should be made in the salaries of the Scotch judges. The Committee would have to determine on another occasion what the amount of that increase ought to be, and, as such was the case, it would be better for him to defer to that time the observations which he had to make on that part of the subject. He fully concurred in the resolution, that some increase of salary ought to be made. Some of the hon. Gentlemen opposite might be inclined to ask where was the necessity of it. If they would only read the evidence given before the Committee, they would find in it proofs far more convincing than any which had been urged in that House by hon. Members, who of necessity could not be so conversant with the expense of residing in Edinburgh as those persons who lived there. He was, indeed, surprised at the insinuation which the hon. Member for Kilkenny had made against the evidence of Lord Jeffrey. He believed, that there was no man who had been more constantly opposed to Lord Jeffrey in politics than he had been; but everybody who had the slightest acquaintance with that learned Judge, must be aware that he was the last man in the world to be influenced in any evidence which he had to give on the salaries of the Scotch judges, by a prospect of what would be his own emoluments when elevated to the judicial bench. The name and character of Lord Jeffrey were a sufficient answer to such a low-spirited insinuation. His hon. Friend, the Member for Caithness, had said, that never were there on the Scotch bench, lawyers of greater eminence than those who now occupied the seats upon it. That was very true. The judges of Scotland commanded the universal respect of the country; but the observation was not less true, that they were generally of an advanced age when they first ascended the seat of judgment. In fact, the Government could not get the most eminent lawyers to abandon their professional emoluments for the reduced salaries paid to the judges, till they had arrived at a time of life when ease became preferable to large emoluments. He could say, from his own knowledge, that years ago offers of a seat on the bench had been made to several advocates, which, from motives of prudence, they had declined. Such prudential reasons operated on the mind of the Lord President Blair, who was sixty-seven years of age, before he would consent to become a judge. It was, therefore, clear, that so long as they awarded their present small and inadequate salaries to the Scotch judges, they would not be able to command the services of the most eminent pleaders at the bar, until they arrived at that period of life when their personal strength began to fail them, and they began to feel that it would be a convenience to them to be upon the bench. It was also equally clear, that if larger salaries were given to the judges, Government would be able to obtain the services of distinguished advocates when they were in possession of their full bodily strength and all their mental faculties. He believed, that most of the Scottish judges were unable to keep up that station in society which the high dignity of their office required. Most of them were unable to keep private carriages; and he asked the noble Lord, if it was consistent with the dignity of a judge to travel in a hired vehicle? All the necessaries of life were as expensive in Edinburgh as in London; and he would appeal to the experience of those Members of the House who belonged to the legal profession, whether they could keep that station in society which they were expected to fill on so small an amount of salary as was allowed to the judges? He was sure, that an augmentation of the judicial salaries would be hailed with great satisfaction by the people of Scotland; and he trusted the House would pass the measure without opposition. He hoped, that Government would go still further, and adopt the recommendations of the Committee of 1834. The present resolution merely affirmed, that an increase of salary was expedient; and he would reserve any observations he might have to make as to the manner in which the grant should be distributed for a future stage of the question. He would reserve also his observations on the point, whether it was expedient that the judges in Scotland should have jurisdiction equally in civil and criminal matters. Many very competent judges, he knew, were of opinion, that great advantages resulted from the present system.

Mr. *Wallace* said, that if the House had granted him a Committee the other night, he would have proved that one hour and a-half a-day was the full time occupied by the Court of Session in deciding cases. The learned Lord had misled the House by saying, that the duties of Lords Ordinary were the duties of the Court of Session. When the proper time came, he would show that the duties of the Lords Ordinary should be separated from those of the Lords of Session; and he would also move, that it was expedient to have fewer judges in Scotland. So far from an increase of salary being agreeable to the people of Scotland, he was convinced that almost the whole people of Scotland, properly so called, would condole with the Government on being congratulated by the hon. Baronet at the other side of the House.

Sir *G. Sinclair* wished to state, as the evidence of Lord Jeffrey had been alluded to—that Lord Jeffrey, at the time of giving it, was considerably biassed by the prospect of coming to the bench—Lord Jeffrey gave his evidence with such a degree of bias, and with such delicacy, as might have been expected from a man possessed of a discriminating mind and refined feeling. He would take this opportunity also of saying, that looking to the knowledge and legal science displayed by Lord Jeffrey since he had been called on to occupy a situation on the bench of the Court of Session, he did not believe there ever had been a judge who had given more general satisfaction.

The House divided on the original motion: Ayes 67; Noes 20: Majority 47.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Aglionby, H. A.
Aglionby, Major
Arbuthnott, H.
Baillie, Colonel
Bannerman, A.
Baring, F. T.
Berkeley, hon. H.
Bewes, T.
Broadley, H.
Bruce, Lord E.
Burr, H.
Chalmers, P.
Clerk, Sir G.
Clive, Lord
Collier, J.
Craig, W. G.
Dalmeney, Lord
Dick, Q.
Duke, Sir J.
Dundas, C. W. D.
Dundas, hon. T.
Dungannon, Lord
Feilden, W.
Fremantle, Sir T.
Gordon, Captain
Hawkes, T.
Hinde, J. H.
Hobhouse, T. B.
Hodgson, R.
Holmes, W.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, P. H.
Hughes, W. B.
Ingham, R.
Inglis, Sir R. H.
Johnstone, H.
Knox, hon. T.
Law, hon. C. E.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Master, T. W. C.
Maule, hon. F.
Melgund, Lord
Murray, A.
O'Ferrall, R. M.
Parker, J.
Plumptre, J. P.
Praed, W. M.
Pringle, A.
Rice, right hon. T. S.
Rushbrooke, R.
Rushout, G.
Russell, Lord J.
Smith, R. V.
Somerville, Sir W. M.
Steuart, R.
Tancred, H. W.
Williams, W.
Wilshere, W.
Winnington, T.
Winnington, H.

TELLERS.

Lord Advocate
Sinclair, Sir G.

List of the NOES.

Blewitt, R. J.
Brotherton, J.
Bruges, W. H. L.
Davies, Colonel
Evans, W.
Finch, F.
Hindley, C.
Hollond, R.
Morris, D.
Parker, R. T.
Rundle, J.
Salwey, Colonel
Stanley, W. O.
Style, Sir C.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Yates, J. A.

TELLERS.

Gillon, W.
Hume, J.

Resolution agreed to. House resumed.

ECCLESIASTICAL DUTIES AND REVENUES BILL] Lord *J. Russell* rose to move for leave to bring in a bill to carry into effect with certain modifications the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues. The Bill was nearly the same as that introduced by him last year, which had been dropped only in consequence of the pressure of public business. He should therefore best perform his duty by merely moving to bring in the Bill, and he should be ready to enter into its provisions upon moving the second reading.

Sir *R. Inglis* did not mean to divide the House on the introduction of the Bill, but he objected to bringing in a Bill for the distribution of the ecclesiastical property of the Church of England at this hour of the night (ten o'clock) as if it were a mere turnpike Bill, when it was in reality a Bill to alter the Constitution of England. He could hardly have believed it possible that his noble Friend would have proposed such a Bill in a manner so comparatively easy. Of the general principle of the Bill he had had so many opportunities of stating his opinion, that he would not now occupy the attention of the House. It was one of serious importance, and calculated to produce the greatest mischief to the Church. He justified himself in not dividing the House, solely on the reason that the House was not prepared for it, and that during the last Session the House had assented to receiving the Bill.

Viscount *Duncannon* had heard with great satisfaction what had fallen from the right hon. Baronet, and could not help hoping that the most determined opposition would be given to the Bill. He agreed in thinking that its introduction at this late hour of the night was not in accordance with the extreme importance of the Bill and the interests involved in it. It might be well intended, by its promoters, but he was fully alive to its consequences, and believed it to be not only dangerous to the Church Establishment, but to the dearest of the community as Englishmen and as Christians. He hoped the right hon. Baronet who occupied the proudest station to which an English Gentleman could aspire—the representation of one of our Universities—would adhere to his resolution of opposing the Bill in every stage. The right hon. Baronet would find in him a humble but most energetic follower, and he hoped the division would be such as to afford to the country a striking example that there did yet exist a strong attachment to that Established Church, by whose blessed influence this country had arrived at a pinnacle of unrivalled greatness.

The *Chancellor of the Exchequer* never felt more surprised in his life than that that hon. Gentlemen should complain of a measure like this, which had already been entertained by Parliament, and that a measure proceeding from the highest authorities of the Church of England should be dealt with in this way. The Bill came recommended by the dignitaries of the Church—it was recommended by the reports of a Commission of which the highest ecclesiastics were members; and he did think that it would have been dealt with a little more gently.—It was material for the House and the public to bear this in mind, when they judged of the manner in which measures were dealt with by hon. Gentlemen opposite.—The hon. Member for the University of Oxford had acted with perfect consistency; but when he and the noble Lord attacked this Bill as a measure of spoliation, subverting or leading to the utter destruction of the Church of England, and when this attack was pointed, not against the Government only, but against the Archbishop of Canterbury, the Archbishop of York, and three of the Rev. Prelates of the Church, the inference which he wished the House and the public to draw, was, that hard words were not always arguments, and that they did not carry weight or justification with them. The misfortune was, that it was impossible to approach any of these subjects without the risk of exciting exaggeration. This Bill professed to abolish a certain number of Church sinecures—and to apply the income of those Church sinecures to make a more adequate provision for the religious instruction of the community. Let it not be said that this Bill was calculated to destroy the Church of England. It was intended to apply what could be spared of its revenues to the immediate objects of religious instruction. He could scarely reconcile the conduct of hon. Gentlemen opposite, with their professed intention to increase the efficiency of the Church.

Sir *Thomas Acland* believed, that a very valuable end was intended to be arrived at by this Commission. He could not for a moment suffer himself to believe they could have any other end than that of improving the Church to which they belonged—of rendering that institution more effective—preserving its efficiency, and not impairing it. He acknowledged that he looked to the Bill with great anxiety, When authorities were quoted on the subject, he must take the liberty to remind the House that though the Members of the Church belonging to that commission had given their sanction to the measure, those Prelates had not met the approbation of the great body of the Clergy. On the contrary, they had met the disapprobation of almost every one of those bodies whose interests were concerned—almost every Chapter and Dean in the country had made strong complaints against it. There were strong objections to the measure and the authorities were divided, but even if they were all arranged on the one side, he apprehended that when the report of the Committee assumed the shape of a Bill, each Member of this House should act for himself, and judge for himself, and therefore the measure ought to be as much considered as if it came on the simple recommendation of her Majesty's Government. This was a bill of detail, and it could not be fairly examined without giving an opportunity to the House, and to those who were affected by it, of considering the measure in all its bearings.

Mr. *Hume* said, the Gentlemen opposite appeared to him to take a most extraordinary course, and it only showed the noble Lord, that if he gave the minimum of reform, he would get the maximum of abuse. If the noble Lord were to propose extensive and efficient reforms, he might, then, perhaps, give hon. Gentlemen opposite just grounds for complaint. The necessity of having an efficient Church was so frequently admitted, that he was surprised that any measure of the sort should be quarrelled with. If the bill to be introduced this Session were to be similar to that introduced last Session, it would go to put an end to a certain number of sinecures. The public money, which was granted with a view to promote religious instruction, was scandalously wasted. The object of the present bill, he believed, was not to take away that money. He wished it was—he would take the money away and apply it to other purposes. But when the Government proposed to apply the money in a proper mode, hon. Gentlemen opposite came down and stated they would object to that, because forsooth it was interfering with the Establishment! Why, it was the duty of Parliament to dispose of the public funds to the greatest possible advantage. On a former occasion he had objected to the bill introduced by the noble Lord, because he did not go far enough, and he told the noble Lord, that he might as well be abused for going the whole way as for only going half way. Half measures of that kind did the Government no good. The hon. Baronet who had last addressed the House had said, this was a bill of details. He contended it was a bill of principle; and the principle was, to put down sinecures and secure efficient service. He could only conclude, that money, money, money, was the object sought by the Church, and not religious instruction; and the reason why the measure was opposed was, because those funds were to be taken from the idle, the lazy, and the useless, as all sinecurists were. Those who wished to promote the best interests of the Church ought not to oppose the measure for putting an end to that which was declared by the heads of the Church to be a scandal and a disgrace to it. If hon. Gentlemen desired that which they pretended, the welfare of the institution, they ought not to come forward and protest against the abolition of sinecures.

Lord *J. Russell* said, that, with respect to what had fallen from the hon. Member for North Devonshire, he had no doubt, that the hon. Member was very sincere in the opinions which he had expressed upon the measures proposed to be carried into effect by this bill. On a future occasion he should certainly be prepared to meet the objections of the hon. Member. He should show, that the measure had solely in view to increase the efficiency of the Established Church. With respect to the allusion made by the hon. Member to the chapters of the cathedrals, he would only observe, that the members of those bodies were naturally, and by the inevitable prejudices of their situation, led to consider the chapter to which they belonged as one of the most invaluable parts of the ecclesiastical institution. As he had said, the extension of religious instruction was the object of this bill; and it was proposed to effect it by means of the establishment of additional churches, and the appointment of additional ministers to serve in those churches. But on these points he should have to address the House more in detail on a future occasion, when he would maintain, that whatever ends the chapters of cathedrals might have been intended to fulfil as originally instituted, there was no source from which they could look to find means for materially increasing the efficiency of the Established Church except those chapters; nor were there any other means which had received the assent of the

Church commission. There were, no doubt, some points in the bill to which the members of the Church commission did not assent in full. These points it would be his duty to point out, when he laid the details of the measure before the House. He would only then observe, that these points which had not the full assent of the Church commissioners were of minor importance. But with [respect to the most important points of the bill, he had the satisfaction of thinking, that if he incurred the reproof of the hon. Member for Oxford University, he incurred it in common with the highly eminent Prelate, the Primate of England, who was so deservedly respected for his conduct in the high place which he filled.

Leave given.

COURT OF CHANCERY.] Mr. *Blewitt* then rose to move for "Returns of the number of bills filed in her Majesty's High Court of Chancery in the years 1835, 1836, 1837, and 1831; of the number of answers filed in the several years of 1750 to 1754, inclusive; also, for the several years 1760 to 1764, inclusive; also, for the several years 1770 to 1774, inclusive; also, for the several years 1780 to 1784, inclusive; also, for the several years 1800 to 1804, inclusive; also for the year 1808, and each succeeding year to the 31st day of December, 1838; also, of the total number of folios contained in the bills, and of the total number of folios contained in the answers filed in each of the years above specified. From the said Court, of the number of causes, exceptions, and further directions, pleas, and demurrers set down to be heard in and for the years 1836, 1837, and 1838, and the number of decrees and orders made on the hearing of the same, of the number of causes, exceptions, further directions, pleas, and demurrers ready for hearing on the first day of each term, and also at the close of the sittings after each term, in each of the above years, of the number of re-hearings, and appeals before the Lord Chancellor set down in each of the same years, and standing for hearing on the first day of each term, and also on the last day of the sittings after each term, in each of the above years, specifying when the first five of such re-hearings and appeals (except such as appear to have been called on and adjourned), had been set down at each of such times. Of the number of cause petitions presented and answered by the Lord Chancellor in each of the said years 1836, 1837, and 1838. Of the number of petitions answered and set down for hearing at the Rolls." He had understood from the Attorney-General, that this motion would not be opposed, but neither the Attorney-General nor Solicitor-General were in their places.

Mr. *Pemberton* was sorry that neither the Attorney-General nor the Solicitor-General were present, as they would have been better able than he could be to inform the House as to the subject of these returns. He would only observe, that the returns moved for by the Solicitor-General in 1836 were returns of the Bills, but not the answers; and he must say he could not discover the probability of the usefulness of the answers, while to make them out would cause great labour on the part of the officers of the courts, and be attended with very considerable expense. But he rose principally to inquire of the noble Lord whether the Government had it in contemplation to lay before the House in the course of the present Session any measure for the improvement of the administration of justice in the courts of Chancery and higher tribunals of the country. With respect to the state of business in the courts of Chancery, he believed that, except on one occasion, when, owing to the absence from illness of one of the judges, his court was wholly shut up, there never was a larger amount of arrears in those courts than at present. He believed there were, at that moment, not less than 700 causes set down for hearing. He believed that during the last term not one single case, standing on what is called the general paper, in the Vice Chancellor's court, came on to be heard. The number of causes on the general paper in the Rolls Court, disposed of during the same period, was one and-a-half. Was this owing to the noble Judge who presided in that court? He felt the utmost confidence that it was not. No man could exhibit greater assiduity in the discharge of his duties; no man could more completely confine himself to doing that which he thinks is substantial justice, than his noble Friend. It remained to be asked, then, what was the remedy? The remedies hitherto tried had turned out anything but remedies. It would be in the recollection of many hon. Members present, with what a loud obloquy it was customary for some persons to assail the late Lord Eldon when presiding in Chancery, on the ground of his indecision and delay of justice. Now let the House consider that the business of that Court was not divided then; Lord Eldon had to bear the whole weight of the business in bankruptcy, which, as well as other business, had since been removed from the Court. In short, the business at that time was at least double its present amount. Yet now, although as far as he was aware, the ordinary business of the court had not increased to any considerable degree above what it was when Lord Eldon discharged it, with the additions he had referred to, the amount of arrears was greater than ever it was when Lord Eldon held the seals, and when he was daily abused for delays of justice. If it was the intention of the Government, as he hoped it was, to introduce a measure on the subject this Session, he trusted they would abolish altogether that miserable abortion of a court, which had become quite a bye word in the profession; the Court of Review, in which four judges had been appointed with large salaries, to do the business which the Lord Chancellor had formerly accomplished in a month or so, with all the Chancery business in addition. Then, again, with respect to the Exchequer Court, which, as the House were aware, was partially a court of Chancery, that is, a court for the administration of business in equity; how was justice administered? By judges who had not practised in equity; and by a bar who did not attend regularly. In fact it was a kind of bastard court, and certainly did not give satisfaction to the country. There was another court, that of the judicial committee of the Privy Council, which he believed had not worked well. It was, in his mind, a great objection to that court, that it should be presided over by a judge who was not filling any judicial station or fettered with any judicial responsibilities and obligations; it was an objection, too, that as the amount of business before the court was too trifling to secure the attendance of a regular bar, its sittings were in some degree dependent upon the possibility of obtaining the attendance of counsel. These were objections not undeserving of consideration, when it was remembered that this was a court of ultimate appeal. In the House of Lords, again, he believed there never before were more judgments in arrear than at present. Having repeatedly, Session after Session, given notice of a motion on this subject, he was determined not to neglect that opportunity without calling the attention of the House to these enormous evils. It was his intention of speedily bringing some plan of reform before the House.

Lord *J. Russell* certainly had no conception, till about a quarter of an hour before, that there was to be any question to arise with respect to the court of Chancery that evening, because, certainly if he had thought so, if his hon. and learned Friends had been present, he should have taken pains to inform himself more particularly as to the exact state of the question. It had been frequently a matter of deliberation and consideration what steps should be taken, and when they should be taken, with respect to the court of Chancery. But, as the hon. and learned Gentleman had said, there had been a measure mooted by the Lord Chancellor, which, as he said, had entirely failed in the House of Lords, and failed because there was a total difference of opinion amongst those who were aware what the evil was, as to what should be the proper remedy for that evil. He remembered when this subject had been under consideration, at the time when the present Lord Chancellor had been appointed, he was anxious to learn, as he was sure all the Members of the Government were, what were the measures which would be most satisfactory in the profession, and the hon. and learned Gentleman and himself had conferred as to those measures of reform which would be useful; but when, after that consideration of the various opinions and suggestions of learned persons in the profession, the Lord Chancellor had proposed a bill founded upon the best opinion which he and those who acted with him could give on this subject, it was found that there was the widest difference of opinion; and he believed the Lord Chancellor pro posed a measure which the hon. and learned Gentleman would call a half measure on this subject, which certainly went to remedy certain evils in the Court of Chancery, going to diminish the number of appeals; because, if he recollected aright, one of the provisions was, a party might appeal to either the Lord Chancellor or the House of Lords, but having done so, he was not afterwards to be at liberty to appeal to the House of Lords. That was one of the provisions to diminish the number of appeals; but, there were various other provisions to provide for the despatch of business in the Court of Chancery. But when this question came to be discussed, there was the widest difference of opinion. The noble and learned Lord Langdale stated, that such an office as that of the present Lord Chancellor should be abolished altogether; that there should be no such person as a political judge sitting in the Cabinet; that on the contrary, there should be one person placed at the head of the Court of Equity, let them call him by what title they liked; and another person sitting in the Cabinet without judicial functions, but only as the adviser, as it were, of all measures of legislation to be introduced from time to time by the Government. That was a total and absolute change of the institutions of this country so far as the office of Lord Chancellor was concerned. Lord Lyndhurst, who was another great authority on this subject—and certainly none more deserving to be listened to—was of a totally different opinion: that noble Lord thought the measure of the Lord Chancellor went too far, and he was rather for increasing the number of the judges in the Court of Chancery than for making an additional court, or two additional courts, he did not remember exactly which. Lord Lyndhurst was for keeping the institution as it was, with some provision which he recommended for facilitating the administration of the law. When there was this great difference of opinion amongst the most learned persons, and amongst those most competent to give an opinion on the subject, the natural conclusion was, that any measure must fail that might be brought forward, and it became for some time totally hopeless to introduce any measure on the subject; and therefore whenever the subject had been under deliberation, it had been generally agreed by the Lord Chancellor and his colleagues that a measure of improvement might very well be framed, but one that could be carried was not one of which they had very sanguine hopes that it would be useful. Ministers had always had a wish to bring in some measure on the subject, but rather waited for some favourable opening by which improvement was likely to be successfully carried in Parliament, rather than bring in any measure which would be at once met with a variety of opinions, some wishing to differ one way and some another, but all agreeing in condemning the particular measure brought forward. He was happy to find, that the hon. and learned Gentleman had found that it was not necessary to conjoin with his condemnation of the system any censure of the noble and learned persons who presided in the Court of Chancery. He believed on his own part that if any one were to say, that the present Lord Chancellor was not qualified by legal knowledge —that he was not qualified by his perception of the various points of law, and was not qualified by habits of decision to fill the office of Lord Chancellor, he believed such an opinion would be at once contradicted by the unanimous voice of the bar. He believed the hon. and learned gentlemen who sat in that court would be of that opinion. His condemnation was not, therefore intended to advance others to the disparagement of the persons who now filled those offices. He did think that when the hon. and learned Member had the returns, it would be found that the hon. and learned Gentleman had somewhat diminished the quantity of business which, as he said, was now to be daily performed. The hon. and learned Gentleman had referred to attacks made on Lord Eldon when he had the sole business of the court, but at that time the business was less than half that which now had to be performed. Of course he yielded to the authority of the learned Gentleman if he said it was not so; but that learned Gentleman would hardly deny, that from 1809 to 1810, at the time when Lord Eldon was acting without a Vice-Chancellor—[Mr. *Pemberton.*—" to 1813"]—to 1813—he thought since that time the business of the Lord Chancellor had very greatly increased, at least that certainly was his present impression on the subject. [Mr. *Blewitt*: it was so.] He thought that much information might be given by the Solicitor-General without going to the expense of those returns. If it were not absolutely necessary that the motion should be made that night, perhaps the hon. Gentleman would reconsider the terms of the motion, and perhaps he might move it in a rather less cumbrous form. He had no doubt that he had very imperfectly answered the hon. and learned Gentleman, but he was unprepared for the discussion, and his learned Colleagues not being in the House, he could not take the advantage of their counsel.

Mr. *Blewitt* said, that the three years before the appointment of the Vice-Chancellor the average number of causes amounted to 540; in the years 1834 and 1835 they amounted to 1,300.

With regard to moving for the return of the number of folios, he believed, that if that return was got, it would prove that the pleadings had increased in length and prolixity. Every pleading was charged according to the number of folios, and therefore in making the returns there was nothing to do, but add up the amount of charges to get the return.

Motion agreed to.

HEARING EVIDENCE AT THE BAR.] Mr. *Hindley* moved, that the journals of the House relating to the cases after mentioned, in which counsel was ordered to be heard, and evidence was taken at the Bar, or in Committees of the whole House, in support of Petitions complaining of existing Laws, be read by the Clerk, and be entered in the Votes, viz., the Journals relating to that part of the Act for uniting the Kingdoms of England and Scotland, which regulated the election of Members for Scotland, the 25th day of November, and the 1st and 3rd days of December, 1708. The journals relating to the duties on the importation of copper and brass, the 8th, 13th, 15th, 16th, and 20th days of Jan. and the 2d day of February, 1721. The journals relating to the duties on cotton stuffs, bleached or dyed, the 16th, 18th, and 21st days of March, and 5th, 6th, 8th, 12th, 13th, 20th, and 21st days of April 1785. The journals relating to the shop tax, the 6th, 15th, 22d and 23d days of February, and the 2d, 6th, and 7th days of March, 1786. The journals relating to the slave trade, the 9th day of May, 1783; the 23d day of March, the 21st, 26th, and 27th days of May, and the 9th, 12th, 15th, 16th, 18th, 19th, 22d, and 23d days of June, 1789; the 25th, and 27th days of January, the 13th, and 23d days of April, and the 9th day of June 1790. The journals relating to the duties on licences to deal in spirituous liquors, the 5th, and 31st days of March, the 22d day of April, and the 7th day of May, 1790. The journals relating to certain orders in council, the 10th, 11th, 14th, 18th, 22d, 23d, and 24th days of March; the 1st, 4th, and 13th days of April; the 4th, and 26th days of May; and the 9th day of June 1808. When proceedings had been read, they had generally been read on the day that the motion was brought forward; but he thought it would tend more to the calm discussion of this question, if they were able to do it when they saw they were warranted by precedents. He had no other view, than to let the Members see whether the precedents of the House would allow them to grant the prayer of the petitioners.

The *Speaker* said, it was always advisable not to differ from the usages of Parliament. The objection which occurred to him to the moving of the hon. Gentleman's motion was this—the hon. Member proposed to send forth, under the sanction of the House, those precedents as he had explained the matter. He had not the least doubt, that every one of these precedents was to be found on the journals according to the statements of the hon. Member, but it did not follow, that there were no others. The usual course had been to appoint a Committee to take the proper means of proceeding, and then they came forward with more sanction of authority than they otherwise could do. When the thing was set forth under the sanction of the House, the greatest care should be taken, that it was as accurate as possible, and the usual course had been to appoint a Committee.

The hon. Member then gave notice, that on Monday he should move for such a Committee.

NORTH AMERICAN PROVINCES.] Mr. *Hume* moved for the return of the revenues received in Lower Canada in each of the years 1833, 1834, 1835, 1836, 1837, and 1838. He said, that he was not aware at the time he had given the notice, that the Under-Secretary for the colonies would be absent from the House, because he intended to arraign the conduct of that officer, which had not been correct. He wished to know whether there would be any objection to the production of the papers he had moved for.

Mr. *F. Baring* was understood not to object to the production of the return of the revenues, but to object to the granting the other information sought by the hon. Gentleman.

Mr. *Hume* said, that in January 1838, he had stated in that House, that the inhabitants of Nova Scotia, New Brunswick, Prince Edward's island, and Newfoundland, were as dissatisfied with the condition of their governments, as the inhabitants of the Canadas. This statement had been immediately contradicted from the Treasury bench, and he had the next day moved for these returns to prove the truth of his assertion, and they had not yet been laid before the House. The information they contained could be procured from the newspapers; in fact, everybody could get information on these subjects except Members of this House.

Mr. *F. Baring* was understood to say, that he was not prepared to account for the delay, but it must have been occasioned by great carelessness somewhere.

Mr. *Hume:* Yes, so it appears, gross carelessness somewhere. He would merely renew his motion for the production of the Address.

House counted out.

HOUSE OF LORDS,

Monday, February 18, 1839.

Minutes. Petitions presented. By the Earl of Durham, from the Protestant Society, for the Protection of Religious Liberty.—By the Duke of Newcastle, from the Nottingham Agricultural Association, against any Alteration in the Corn-laws.—By the Earl of Warwick, from 155 places in Warwickshire, by Lord Raleigh, from several places, by the Earl of Stradbroke, from fifteen places in Suffolk, by the Duke of Richmond, from Chichester, and other places, by the Duke of Buckingham, from a great number of places, by the Earl of Winchilsea, from forty-five places, by the Marquess of Lansdowne, from a place in Wiltshire, by a noble Lord, from East Grinsted, by the Earl of Shaftesbury, from several places in Yorkshire, by Lord Gage, from three places in Sussex, by a noble Lord, from Croydon, by the Marquess of Salisbury, from several places (Herts), by the Earl of Stradbroke, from fifteen places, by Lord Wharncliffe, from places in Yorkshire, and by Lord Hardwicke, from several places, against any Alteration of the Corn-laws.—By the Earl of Scarborough, from Yarmouth, by Lord Foley, from one place, and by Lord Vernon, from Newcastle, for the Repeal of the Corn-laws.—By a noble Lord, from Cambridge, against the Beer Act.—By Lord Clare, from Limerick, for considering Ireland in any proposed Alteration of the Corn-laws.

Canada—Mr. Turton.] The Earl of *Winchilsea* seeing the noble Viscount in his place, begged to put a question to him. He had last year felt it to be his painful duty to ask the noble Viscount a question on the subject of an appointment to a high situation in the Government of the noble Earl, then Governor-general of Canada. The noble Viscount, in his answer to that question, led him to believe as indeed he expressed it, that he felt both "surprise and regret', at that appointment, for these were the words of the noble Viscount. Upon looking over the report which the noble Earl had produced, he (Lord Winchilsea) was surprised to find, that throughout the documents contained in that report, not one of them related to that point. He, therefore, begged to ask the noble Viscount whether there were any returns in his possession which he intended to lay on the Table relating to that appointment, because otherwise he should feel it to be his duty to press for the production of those documents.

Viscount *Melbourne* said, it was not his intention to lay any papers on this subject on the Table of the House.

The Earl of *Winchilsea* would, to-morrow make a motion on the subject.

The Earl of *Durham* said, that as this irregular conversation had taken place—he certainly considered it to be an irregular conversation, if the noble Earl intended to give notice of any motion on the subject, otherwise he should not have any ground to complain of—he begged to inform the noble Earl, that in the appointment to which he referred, the noble Viscount at the head of her Majesty's Government had no concern whatever. It was an appointment of his own, made as he had a right to make it, without any authority from the Government. It was not an appointment under the sign manual, nor one requiring the confirmation of her Majesty's Ministers; but strictly an appointment of his own, and the responsibility of which he should be prepared to meet whenever the noble Earl might think proper to bring the subject forward; and he begged to assure the noble Earl, that so far from thinking the appointment a wrong one, he considered, that the public service had very much benefited by the legal attainments of that gentleman. He had received the greatest assistance from that gentleman, and felt the highest gratification in the results of his official labours, and he would add, that he should be prepared to make the same appointment again, if he had the opportunity.

The Earl of *Winchilsea* had studiously avoided alluding again to this subject, until the documents now laid on the Table were before the House. He had determined not to introduce the subject again until those documents had been produced, because he had felt bound to act fairly towards the noble Earl, and not in any way to prejudice the question. The question was not between him and the noble Earl, but between him and the noble Viscount at the head of her Majesty's Government. He had nothing whatever to do with the private feelings of the individual that was alluded to—with his abilities, or with his talents. He had no doubt, that he had rendered most efficient service to the noble Earl. But on public grounds he had expressed his regret, as he should have done if the appointment had taken place by his dearest friend; he had expressed his regret at the appointment, and having been joined and sympathised with in that expression of regret by the noble Viscount, he had a right to know, not in his own name, but in the name of the public, what course had been taken by her Majesty's Government, on the subject

CORN-LAWS—HEARING EVIDENCE.] Lord *Brougham* after presenting a number of petitions against the Corn-laws, said, my Lords, in rising to address your Lordships on this very important subject, which occupies the minds of all men out of doors and which, I may add, occupies no small share of the interests and attentions of this House, I confess I have considerable difficulty in performing the task I have undertaken, and very great uneasiness at the prospect I have of standing before you, opposed in no common measure to strong feelings among many of you, and to very great—and I will add, with all possible respect, I am almost sure, groundless apprehensions. It has often been my lot whether at that Bar, or upon your bench, in the discharge of professional duties, or standing here as a Peer of the Realm, to deliver my own individual opinions—it has ofttimes been my lot to state things which were distasteful to this House—distasteful because I knew, that my statements differed from your Lordships' opinions. I have sometimes gone against strong, conscientious, deeply-rooted convictions, grounded on principle. I have at other times been compelled, by a sense of my duty, imperative and unyielding in me, to run counter to what you deem the interests of your Lordships. But on the present occasion I feel, that both these antagonist principles and feelings are working against me, and that you think you have an interest in opposing my motion, and that if you were not to oppose it, you would fail in performing a duty. Little, then, should I hope for success in the discharge of my duty if I did not know, that there is in this House, and I trust always will be in this House, the highest Court of Judicature in the country—the gravest and most dispassionate part of the Senate—a body of the most enlightened men that adorn and fortify the Constitution, who never will rashly decide on behalf of any proposition without hearing it thoroughly discussed, but who still less even, will decide against any proposition without giving those who propose it the most ample and impartial, the most deliberate and calm hearing upon its real merits. That you should reject a proposition only calling upon you to hear—that you should say "no" to a prayer only preferred to consider and examine—that without hearing what can be said, and urged, and proved, you should turn your backs upon the prayers of the people—that when evidence is tendered at your bar upon oath to propositions of fact of the most alarming importance to the highest interests of the country—you, this high Court of Judicature—you, this grave Senate—you, this body of reflecting, accomplished, learned, and deliberative men, should at once say, "the matter is important, but we will not hear it—the propositions of fact which you offer to prove, are grave in their consequences, aye, in their nature, and perilous in their possible results, but we won't hear a tittle of the evidence which you say you are prepared to give on your oath." My Lords, I will not believe it till you yourselves tell me the impossibility, and that it is true. Therefore, it is, my Lords, that I feel less anxiety now, than I did, when a few minutes ago, I rose to commence my address to you, for I now feel fortified by the conviction that that is impossible, and that you never will tell me that that is true. My Lords, I dare to take consolation from another source. I am here to war with no interest. I am here to oppose myself to no portion of the community. Whosoever expects to hear one word cross these lips of mine disrespectful to any one class of the Queen's subjects, as a class, will go hence disappointed in that respect. Whoso expects one word to be said by me in disparagement of the landed interests—in depreciation of its extensive, its acknowledged, and by me most readily admitted, paramount importance to this community—will go hence disappointed. Whoso expects one word to drop from me which betokens a wish that any preference whatever should be shown to masses and numbers over the rights of property—will likewise be disappointed. My Lords, I stand here as the advocate of my country; I represent here the case of all classes—of land, of trade, of manufactures, of commerce, the landed interests, the commercial interests, all professional interests, the interests of producers, of consumers, of workers up, of exchangers of commodities, all these classes, I embrace in the view I take of this great question. And, my Lord, I am "out of Court"—if your Lordships will allow me to use a professional phrase—I am out of this the highest Court of Justice in the land, if I stand upon any but universal comprehensive Catholic ground—embracing at once the interests of each, and the interests and rights of all. But, my Lords, I trust I shall not sit down without satisfying your Lordships, that you can grant the prayer of these petitions without shaking the interests of land, which at first sight might have appeared to be endangered by it. Observe, my Lords, (that I am here, not to argue the Corn-law question upon its merits to-night, I am here not to call upon you to grant the repeal of the Corn-laws, in whole, or even in part.) I am here to ask you to inquire—to hear the case before you decide it—I have only to ask you to look to it—to examine it—to investigate its details—to tender you help in that investigation, and to furnish you with the means of that examination, and all that I have now to do is, to state so much of the case of the Corn-laws—to make such assertions as I know I can prove by evidence on oath—as is necessary to drive those who oppose the prayer to be heard—for that is this only question—as will drive those adversaries to this dilemma, that they must either admit my propositions of fact to be true, and therefore requiring no proof—or they must state them to be so false, as that no proof can demonstrate them—or assert them to be so immaterial that whether true or false, it signifies not to inquire into them, they are so futile and unimportant. My Lords, I have shown you the kind of statements I am to make, rather than the arguments I am to use before you. I am about to tender evidence, and to explain the materiality of that evidence and nothing—absolutely nothing more. My Lords, as these are the views which alone, I think it my duty to bring before your Lordships, I think I shall save your time by at once coming to the different matters of fact, in such an order as may serve to aid the inquiry by somewhat arranging them, giving them method, and then leaving it to your Lordships to say whether what I have tendered to your Lordships is impossible to prove or admit, that is the only proper ground of bringing a subject like the present one under the consideration of the House. First of all, my Lords, let us come to what the present Corn-laws actually are, and then state what they do—your Lordships always bearing in mind that every assertion I make, is meant—not as a statement which I call upon you to believe, or admit, but as one that I am prepared to prove at your Lordships' bar. I am only opening the evidence to your Lordships, asking you to sift and examine it. The former encouragement given to the agricultural interest of this country by the Bill of 1804, commonly called Mr. Western's Bill, from the name of an old friend of mine, now ennobled, who was then a Member of the other House and a zealous friend of the agriculturists, was this. His Bill enacted that the ports should be opened for the importation of foreign grain only when the price, taken by the average of a certain number of towns, twelve, I believe, fell below a certain price. When corn was at a low price, the ports opened, when it reached a higher price the ports closed—I beg your Lordships' pardon—When corn was at a certain high price, and so remained for a certain time, the ports were opened; when it fell to a certain price the ports were closed; between these two points, corn when imported was subject to a certain duty. Now I am here to offer proof that all the objections which have ever been urged to that mode, and they are not a few in number, nor of light importance—I am here to prove that all those objections apply to the present different, and falsely supposed, improved law. By this measure, instead of opening the ports when corn is high absolutely, and shutting them when they are lower absolutely, it affixed a certain scale, taken by the average of a certain number of towns in which there seemed to be a considerable corn trade—taking the average every week, it estimated the admission of foreign corn thus;—when the average was 73s. or upwards in those districts, there was no prohibition—it was not by way of prohibition, but it was done by duty. When the price was up at 73*s.* and upwards, then the duty was one shilling. When it was 70*s.* we will say to go a little lower, I think the duty is 10*s.* 8*d.*, when it is 65*s.* the duty is 21*s.* 8*d.* when it is 63*s.* the duty is 23*s.* 8*d.* [Viscount *Melbourne*—Is this quite correct?] It is perfectly immaterial to my argument whether it be correct or not. When the price is 60*s.*, then the duty is 26*s.* 8*d.*, and when it is 50*s.* the duty is 36*s.* 8*d.*, so that as the price is lowered, the duty rises till the price reaches 45*s.*, when the duty is equal to the price of the article itself. Now, my first proposition is, that there is no difference between the present and the former law, and I shall show this by the most indisputable testimony. I shall shew that there is no difference between the operation of one plan and the other. Now, only observe, foreign wheat is at a certain price, to which, if you add the transport and all other expenses, and make the whole sum equivalent to the condition at which you allow foreign wheat to come to your own markets, there is a price at which it will not bear a duty. Suppose, for instance, the average price of wheat for a certain number of years at Dantzic to be 36*s.*, ["No," from a noble Lord] and I am prepared with persons to prove that upon oath, and my noble Friend has given me a vote on this occasion indirectly, in saying that he desiderates proof on the subject; but as I stated, 36*s.* was the average price for a certain number of years. I am also prepared to prove, that the cost of conveyance, the shipment at Dantzic, the bringing it over here, the harbour dues, the insurance, the landing, and the carrying this corn to the nearest markets, amount altogether to 10*s.* 6*d.* the quarter, consequently 46*s.* is the price at which that wheat can be sold at your market. I state this as it were in detail, for this reason, because, in a subsequent part of my statement, I shall show that those who think, that the markets will be lowered by the admission of foreign grain have greatly exaggerated the quantity of the supply, and the cheapness at which it can be got; and I am ready to show to the House, and prove it on oath, that 46*s.* 6*d.* is the average price at which that corn can be sold in this market. Suppose the price to be 70*s.*, here, then the duty being 10*s.* 8*d.* that must be added to it, and that will make the price near 57*s.* I do not think, that much grain would come over at that price. But suppose, my Lords, the price falls to 65*s.*, then the duty is 21*s.* 8*d.*—say in round numbers 22*s.* What, then, would be the price of foreign grain here? Very nearly 70*s.*; a price very nearly sufficient to shut the ports or to exclude foreign wheat; it is above the price at which it is selling in your market, and consequently the corn that comes over and is so excluded here, goes into bond; all price below that causes exclusion by the duty just as much as it was caused by the Bill of 1804. For all above 70*s.* the ports are open as in the Bill of 1815—you have, therefore, this state of things in principle, and I am now to open to your Lordships, and which I will prove upon the oaths of those who have felt the inconvenience of the state of things, aye and of persons who have been ruined by those consequences continuing, and who will ever continue to feel those consequences, I am ready to prove to your Lordships, that the consequences are the same with those you before dreaded, and the experience of which drove you from the principles of the Bill of 1804, and made you take refuge in your new plans of 1815, and 1818. Now, I have, I think, explained generally the nature of the plan, and I may now solicit the attention of the House to those consequences. In the first of three alternatives I stated, as the only conceivable ground of refusing to hear evidence at the Bar, the impossibility of tendering any at all of the existence of those consequences, I now state to your Lordships not only that they are highly probable, but that, instead of being utterly impossible, I shall show, by what I am ready to prove upon oath, that they have happened, and that they are actually occurring and inevitable. I shall show by reasoning, that they must occur whilst the present system continues, and I am able to show this by a very short consideration of this system, as I have described it. I will assume for the present, for argument's sake, that the corn trade is a traffic that deserves to be encouraged. I will assume, that we look occasionally to a supply of foreign grain. I will assume that, for some reason or other, I could define it if I thought it necessary, but I will assume, that we think it better not absolutely to be confined to the grain of our own country—why do I assume all this? For this reason—because your Bill assumes it; your Act of Parliament assumes it, even the Bill of 1804 assumes it, for nobody excludes or attempts to exclude foreign corn altogether. It is admitted when corn is high, or that is to say, to avoid scarcity, you do not look to your own resources, but to the foreign growers. Foreign corn is excluded when corn is low, because you rely then upon your own resources, but admitting corn at any price shews, that we look occasionally for foreign support. Now, having put my foot upon that position, from which it is immoveable, because it is the Act of Parliament, it is the system I am grappling with that gives me that position—I now ask whether it does not follow, as a matter of course, that the corn trade ought to be the object of your encouragement? You meant to encourage it—you thought that the former Act discouraged it too much, and, therefore, as an object deserving the encouragement, you favoured it by the change of the law, partly in the year 1815, but chiefly in the year 1814. Now, I am about to demonstrate to you—first, to show by reasoning, because it is probable, in order that I may get rid of the first answer—namely, that that cannot be proved at all, for it is utterly impossible. I am first going to show you by argument it is probable, and then to tender my evidence to show it is true in point of fact, that this system is fatal to the Corn trade. I won't abate one jot of my position. I won't be satisfied with convincing any man it is only hurtful to him; I won't be satisfied with proving, on the oaths of a cloud of witnesses ready and anxious to come to the Bar to state it; some of them who have suffered themselves, but hope it may prove a warning to you, and be the means of saving their brethren from following their fate; but I won't be satisfied in proving, either from their oaths or my arguments, that it is only very pernicious to the Corn-trade; I will take nothing unless I demonstrate first—the probability, and then by evidence the certainty, that the Corn-trade is destroyed by this system. Now, my Lords, only suppose one case, and that carries with it the great part of my argument. Suppose merchants, upon grain being up at 72*s.* or 73*s.*, and the duty therefore being down at 1*s.*, suppose merchants, three or four, join in a venture, and for the purpose of supplying a certain number of quarters of grain, 40 or 50,000 quarters of grain, they ship at Dantzic or Malta, where the price is 42*s.* instead of 36*s*, or at Odessa, where it is 24*s.* instead of 36*s.*, suppose that from any or from all of these ports they ship Pōlish or Russian corn, which is with some persons whom I well know an object of very great dread, or Odessa corn or Malta corn, brought chiefly from Africa, to the amount of 100,000*l.* The venture sails from the different ports; the fleets cross the sea, they arrive, and then, when the importers had well hoped that they might be permitted to land the corn, and when it had been well hoped that the market would receive the benefit, that the pressure of the scarcity which had raised it to 70*s.* would be relieved by this foreign importation, of 100,000*l.* worth of foreign grain—they find, that instead of that, there has been a fall from the 70*s.* by the last week's average while the ships were upon the sea, when it was utterly impossible to stop the venture—when they are all but landed they find, that when they were in the middle of the Atlantic or of the North Sea, that all of a sudden in the last week by some change in the weather, or in the speculation of the grain dealers at home, that instead of wheat being at 70*s.*, with the duty at 1*s.*, it had come down to 63*s.* or 65*s.*, which is a prohibition price when the duty is at 24*s.*, and then they cannot land one single ounce of that corn without ruin. [The Duke of *Buckingham:* They may bond it.] They may bond it, if they choose to be ruined. I know they may bond it. Do noble Lords suppose one does not know that? One would be extremely ignorant on the subject not to know so much. I dare say I am. If I do not know the A B C of it I know the A B. I know there are such things as bonded warehouses; and that leads me to what I was going to state. It is easy to say, you can lay it in bond, and get it out when the duty is low. What, think your Lordships, is the consequence of that? Six shillings a-year on every quarter, is the expense in a bonded warehouse. The grain must be turned generally once a-week. The grain must be stowed away, and the warehouse-room and rent paid. The interest of money, at 5 per cent. at least, upon the merchants' capital, must lie dead and profitless; but if it is disputed, I have witnesses to show it. This is what I ask; I want to be allowed to prove it. Give me leave, and I will demonstrate, that 6*s.* per week is below the amount.—[The Duke of *Buckingham:* Nobody doubts it.] Well, then, what is the consequence? The owners cannot tell when the corn is to get out again. They want to get it into the market. Its being in the warehouse is no use to them whatever. They would rather it had remained at Odessa, and then they would not have to pay the freight, and the landing, and the bonding warehouse charges; but it is now in London—it is in Bristol—it is in Newcastle, a place from which my noble Friend presented a petition the other night, for the abolition of the Corn-laws, and with great propriety—for there is no place in the Queen's dominions, where the Corn-laws are felt more, as I know, professionally, than at Newcastle-upon-Tyne. But what is the consequence? They cannot get the corn out of bond. They may wish, but let them sigh ever so much—let them weep ever so bitterly over their fate in the bonded warehouse, the winds won't sigh the louder—the rain won't fall to the measure of their tears—it depends upon the weather—and until they get grain at 73*s.* again, not one ounce of that can they afford to take out of the bonded warehouse. It may wait for two years—it may wait for three years. What, if it wait five years? What, if it wait six years? What, if it wait seven years? There is not only the profit upon the venture gone, but the whole capital absorbed, two-and-forty shillings a quarter absorbed. My Lords, this is what no man can deny as the possible consequence of this system—no man can deny, that it is the probable consequence of that system. But I go further. I told your Lordships, that in shewing the probability, I should prove the fact. What I have told your Lordships, and I implore the attention of the noble Duke and the noble Earl opposite, what I have put to your Lordships as a possible case, is a fact. It has happened—took place here—it happened in the city where you now sit. It happened upon the river that washes these walls. A merchant imported 100,000*l.* worth of grain from the Baltic, in the year 1831; the price allowed him. He hoped to be able to land it: he expected to make a reasonable profit. The ports were open—I say open, because the duty was so low as one shilling when he shipped it in the Baltic. The ports were closed when the vessels arrived in the river. He had recourse to a bonding warehouse. He was told in his distress, as I was told in my argument a little time ago—"Oh! but there is the bonded warehouse." Into the bonded warehouse went the 100,000*l.* worth of grain; and the 100,000*l.* of the merchants' capital might as well have gone into the river, upon whose banks the bonded warehouse was built? What happened? Seven long years—for that was no supposition of mine—seven long years prices kept so low, that not one ounce of that grain could be sold in the market. During that seven years, the whole profit—not only the profit, but the *corpus* of the venture—the capital was consumed in charges. The house failed—a Newcastle house—therefore it was, among other reasons, that I said my noble Friend's petition justly came from a place which had suffered so much. But that is not the only instance. The house, a most respectable one, failed, became bankrupt, has not paid 1*s.* in the pound; and I have the gentleman ready to be produced at the bar of this House, to prove, upon oath, that a commission agent, for he was no more,—not the adventurer, not the merchant, not the speculator,—but the commission-agent lost one-and-twenty thousand pounds by being such commission-agent. Now, my Lords, that which happened to this respectable man may happen to any one man any one day, that he ventures into a speculation of this sort. My Lords, I think, therefore, that I have some right to state this as a trade which is not fit for a discreet merchant to embark in; a trade which is not fit to receive encouragement from the nature of its channels, precarious, tortuous, broken with shoals, and impeded with rocks and quicksands which no sounding can enable him to fathom, which never can be laid down in the charts or buoyed. It shifts like the rapid river's course every night, following the winds and weather of the twenty-four preceding hours. But fine weather comes—but the harvest looks well—but the yield appears great—down go the prices and the ports shut. A trade more unfit for merchants to embark in—a trade more unfit for fair speculation—one more unseemly for the employment of mercantile capital cannot well be imagined; for gambling—a trade for desperate speculations — for needy hungry adventurers—for persons without capital, it may do well; for regular traders and the wholesome operations of commerce, it is utterly unfit. Now, my Lords, the next view of the subject which I am about to impress upon you and the next body of evidence which I am about to tender to your Lordships, relates to the immediate effects of this system of cramping the supply of corn, and the stinting effects of those laws upon prices. And, my Lords, I am about to admit, that a great deal of exaggeration has been put forward on both sides—I am about to admit, that the fears of the landed interest have exaggerated, and the hopes of the manufacturing interest have exaggerated, the cheapness that would result. I may give no great satisfaction to either party, differing as I do upon this point from the petitioners. I stand here not as their agent, but as a Member of your Lordships' House. But now I think the probability is, and I am ready to prove it to your Lordships, that some cheapening of the commodity, although not perhaps a very considerable lowering of it, would be the consequence of the repeal of the Corn-laws, and leaving the trade in grain absolutely free. But what I have already said about the price of wheat in Dantzic proves that. In Dantzic the price of wheat is 36*s.*, and adding about 10*s.* for costs (making 46*s.*) is the price at which that wheat may be sold in our market. But you are selling it at 55*s.* or 60*s.*, being 10*s.* or 15*s.* per quarter dearer than you could get it at Dantzic. In Malta the average price of wheat for ten years ending 1836, was about 32*s.*, and adding for expences 15*s.* 6*d.*, make 47*s.* 6*d.*, or 48*s.* as the price for which Malta wheat might be sold in our market. But within the last ten years your average has not been 48*s.*, but somewhere about 58*s.*, which is a difference of 10*s.* At Odessa the price of wheat in differently stated in different places, and it has been said, by way of alarming the agriculturists, by a Mr. Saunders, in his evidence given in 1836, that Odessa wheat was selling for 10*s.* or 12*s.* only, consequently if you add 15*s.* to that, it makes the price of Odessa wheat in our market under 30*s.*, and therefore, says this friend of the farmers, and say the friends of the system (although I have been told he has changed his opinion within the last few years) :—"You all will be ruined." He omitted a very material circumstance, which I shall supply to your Lordships. During the time, that he said the price was 10*s.* or 12*s.* that was quite true, but he forgot to tell the jury, that at that time the Dardanelles were shut, and consequently the wheat brought down was a drug in the market—but when the channel trade is open Odessa wheat is 10*s.* or 12*s.* higher, being nearly 30*s.* which added to 15*s.* 6*d.* for charges makes that wheat come to 45*s.* 6*d.* in our market—not a very material difference between that and Baltic wheat; because, whereas, it is cheaper to bring wheat from Dantzic, than from the Levant, the expenses of transport, &c. being only two-thirds from the Baltic what they amount to on Odessa wheat. But now, my Lords, it may be assumed from the price of bread on the continent being considerably less than here, partly no doubt owing to taxation, but partly owing to the Corn-laws, which regulate the price of bread. My Lords, I find, that in 1838 the 4lb. loaf on the other side of the channel was sold for 4*d.* while on this side of the channel it was sold for 8*d.*—[*A noble Lord* "it is now a shilling"]—I am talking of that time. I am not about to state, that the Corn-laws have been the sole cause of this, nor do I mean to give way to any clamour about cheap bread one way or the other. I am going to state to your Lordships that I do not expect from repealing, any very great cheapening of bread. I think it will fall very little—I think it won't fall very much—that is my belief—I may be wrong; but suppose it fell only 5*s.* a quarter—suppose you make an average of the usual price, and take it at 5*s.* lower. When your Lordships consider that there are some fifty millions of quarters of gain, and twelve or thirteen millions of wheat consumed annually, you will see what an enormous sum is levied by these laws. I don't mean to dwell upon this—this is not the view I take of it—I have much higher objects in view than in making grain cheap—not that I undervalue making cheap the staff of life—not that I undervalue the effects of these laws upon our whole system, not only upon the comforts of the people, but upon our system of trade and commerce—not that I underrate that; by no means; but, I am afraid, from the very nature of things, it is not likely that the reduction will be what is anticipated, and neither the landowners on the one hand, with their exaggerated apprehensions, nor the manufacturers on the other, who cherish such fairy hopes—hopes which appal the one, and enchant the other—arising from the somewhat incorrect and superficial views on the subject which they have taken, will find their expectations realized. But, my Lords, suppose there is only a permanent reduction of 1*s.*—and I think that is putting it low enough—suppose, that instead of 5*s.* a quarter difference, as I have now argued—(I suppose it will be admitted on all hands, that the result would be a reduction of 1*s.* a quarter only)—and suppose that as the steady, permanent, effectual consequence of the repeal of the Corn-laws, which now exclude foreign grain from the home market, and that the difference would be neither more nor less than 1*s.*—I ask your Lordships to pause, and reflect well one moment upon what that shilling means. It means a tax—it means a poll-tax—it means that capitation-tax so hated in ancient times under the justly execrated name of a poll-tax, which in this country, in civilized times, is never resorted to, and never viewed with other sentiments than those of abhorrence, and which is only tolerated under corrupt, arbitrary, and tyrannical Governments—a tax from which there is no escape, for all must eat and all must pay—a tax which falls upon all, the poor equally with the rich—upon the men who can hardly support life by the sweat of their brow, and upon men who are wallowing in wealth, and worth one hundred thousand pounds per year. The poor man and his family pay five shillings tax upon their bread,—as much as the man of fifty or a hundred thousand pounds a year, who has the same number of children. Of course he pays more than others if he has a larger family. But, my Lords, there is more than that—a great deal more—bread forms a much greater portion of the food of the poor than of your Lordships; you have luxurious living, which they know not of. It is as if you were taxed for every part of the food you consume.—[*A noble Lord:* "And so we are."]—and for most of it you are. I know that your spices and wines, and other luxuries are taxed, but it is hard that the poor must pay, in their humble sphere and scanty means, as much, or more in proportion to their families, than the wealthiest of all. My Lords, I think that this is quite enough to disincline any man from supporting the present system of taxation, from any but the most undoubted and peculiar advantages. Now, my Lords, I have already said, I care not, (having brought down the cheapening effect of the repeal of those laws from 7*s.* to 5*s.*, and from 5*s.* to 1*s.*; and having paused to make a supposition of that cheapness, I care not if that shilling be taken away entirely. Possibly it may not lower the price at all, because, in all those calculations of the effects of the repeal, suffer me to say that one thing has been left out of view by the alarmed agriculturists on the one hand, and the sanguine manufacturers on the other. I have already stated that the price of wheat at Dantzic is 36*s.*; at Malta 42*s.*; and at Odessa 30*s.* All this is the price of foreign wheat under the present system of our Corn-laws. But, suppose our markets were thrown open—suppose there was as free an importation of foreign grain here as any other article, is it likely, with that increased consumption, that the supply would continue to be as great?—[*A noble Lord*:—Certainly not.]—Some noble Lords are so quick, that they cut before the point. I argue by steps, and I cannot take two steps at a time as others can. If the demand is to be increased by opening of our ports, particularly the ports of England and Scotland (for I believe the Irish would be able to defend themselves by the cheapness of the grain) the immediate effect would be to raise the price of Dantzic corn, and Odessa corn would also rise, and a check would be put upon the low prices. Then it may be said on the other hand, that the consequence would be an additional growth of that corn, and it is said, that there is an unbounded supply of corn if not of land, and that it would open new tracts of cultivation. It is very possible this may be so. I am prepared with evidence to show your Lordships the difficulties attending that alteration. How could the land be brought into immediate cultivation, which is now overspread with thick and impenetrable forests?—how difficult it would be to get hands to cultivate it; how little land there is capable of cultivation, except towards the remote recesses of Volhynia and the Ukraine, which it is almost impossible at present to get at. I have evidence on oath to prove this; yes, both documentary and parole evidence, if your Lordships will give me leave to produce it. It is barely possible, that in the course of years, as for many years it cannot happen; but it is barely possible, that in the course of some years that an additional extension of agriculture may cause an additional supply of foreign grain, and the consequent effect would be to reduce the price, which would in some degree counteract my statement. But admitting, that the manufacturer will gain nothing at all in point of cheapness, and the agriculturist will lose nothing, I am now coming to what in my mind is infinitely more important a question than lowering the price of grain. I am now about, for the rest of my statement, to assume, that there would be no cheapening of the price of food whatever, and I am about to show to your Lordships, and to prove it upon oath, what would be the inevitable consequences, and what must be the inevitably beneficial consequences of having a free trade in corn. Now, first of all, it would give the best possible security against famine, and the present system, on the contrary, exposes you to the greatest possible risk, and to the greatest danger of encountering famine. That is the first proposition which I am fully prepared to prove. I am prepared to show your Lordships, that by evidence I can produce, this is not improbable; at least, that you may not say, "What is the use of producing evidence to that which possibly cannot occur?" In the first place, it is to be remembered, that in all calculations of chances, where the calculation is made upon but a few instances, the calculation becomes a matter of greater uncertainty; wherein your calculation is confined and restricted to a fewer number of places, the calculation to which you come must be attended with the greater uncertainty. In such a case, the greater uncertainty must prevail, and the greater must be the uncertainty in the nature of the result. I pray of your Lordships attention to the course of reasoning which I am now pursuing, as it requires some little attention so as accurately to comprehend it. Suppose a man were to seek to make a calculation of what number of male or female children there would be born from any given marriage, why, my Lords, that would be a calculation which it would be wholly impossible to make. But, suppose, upon the other hand, a person were to make a calculation as to the number of male and female children, there would be in a parish, he could not be very certain in his calculations if he made it in a very small parish: but he would be the nearer the truth, the larger the parish, respecting which his calculation was made; but let him then extend his calculation over a larger portion of the community; over an entire country, or continent, and his calculation would amount almost to a certainty. Suppose, then, a calculation were made as to the changes of the weather; and this is coming very near to the present case. Now, to tell what weather there would be upon any given day, in any given year, would be impossible. [Viscount *Melbourne:* such calculation has been attempted.] In the noble Viscount's reading, in his various reading, he may have found that such a thing is not impossible. But, in my reading, I have not found it laid down that such a calculation can be attended with any certainty. Suppose the attempt were made, to calculate, that in any one given year there would be a good season, that would be a thing very difficult to determine. No man could undertake to determine it; but suppose you were to take ten years; suppose twenty years, and say there would in those be certain variations of seasons, the calculation would be easier, it would be more certain; and suppose you extend it to a century, the calculation would amount to a certainty; as in such a long period of time, there is always found to be an equal balance of good and bad seasons. That then is exactly the case with a country in any given year. No man could attempt to say, that in this district the grain will be abundant, and in that the crop will fail; no one could venture to predict this of a particular farm, of a particular county, or of a particular country, and yet it might be carried over the world and the prediction would be found to be good, that the crop would be abundant in one place, and that it would fail in another, for it very seldom happens, that there is an universal failure of the crops all over the world. Countries differ greatly from each other in climate, in soil, in productiveness, and in various other circumstances; so that looking at them altogether it is wholly a moral, or rather a physical, certainty that, looking at the whole world, you will never find at the same time the season bad, and the failure universal, or the season every where favourable, and all the countries having good crops. What, then, does the Corn-law, in its exclusion from this country of foreign wheat? What does it do by excluding the foreign supply, it strikes all other countries out of the calculation, and in a time of scarcity leaves the nation to the certainty of famine. It confines your chances against famine to the one country, it confines your chances to the one kind of weather. To avoid scarcity, you have but one choice, and thus it leaves you more or less dependent upon the mercy of the fickle wind and the unfavourable elements. But this could not be the case if the whole of Europe were open to supply you, your chances against famine would be still greater, if the East, if the Levant, if America, as well as Europe were open to you; for then you would be able to say, if there be a free trade in corn, there cannot be a scarcity with us; because you would be well off, if any of those countries were well off. There would be all the difference between dearth and famine —the dearth, the consequence of the bad season, you could not avoid; but if man did not interpose his luckless hand, that dearth never could be converted into a famine. Dearth there would be, and dearth only; but the existence of the Corn-laws expose you to the inevitable risks of a famine; and I am ready to prove to you, from all countries, by persons from those countries, persons who have been traders in those countries, persons who have been residents in those countries, men who have shown the bad seasons balanced by the good—persons who can show you the wholesome, and if you will but be wise, the most comfortable inference from this fact, that if you leave their trade universally free, a famine is almost as little to be dreaded in this country as an earthquake. My Lords, the next great evil which is done by the Corn-laws, next to taking away security against famine, and of converting dearth into famine—the next great mischief of the workings of the Corn-laws, is to make the price of corn fluctuating and uncertain. I am the more apt to put forward this view of the subject, and to tender my evidence upon it, because it was the ground of the Bill when that Bill was brought in. It was said by those who opposed the bill, "Oh, you want to make corn dear." No such thing, said the supporters of the bill; nothing is further from our intention than to raise the price of wheat. Then it was said, you want to keep the price up. Nothing of the kind; we assure you we do not ask that—that is not our object; you mistake us altogether. Why it was said there, a very odd sort of people these, what do they mean? they don't want to let foreign corn in, they don't want to raise the price of wheat, and they don't want to keep the price up. They deal in corn, and they say they don't want it to be dear. They would rather have it cheap. What do these men mean? We will tell you what we mean—we mean *steadiness*—steadiness is what we mean, and steadiness is of much more importance than cheapness. I agree to that. That is my own proposition. Well, then, they said, we want not to make corn dear; we would rather have it cheap; but we don't want fluctuation: make it as cheap as you please, but only let it be steady. I know that was said—I heard it myself —I heard it urged so elsewhere, and they may be as reasonable and as rational elsewhere as here. They said so; and at all events I entirely agree, that is a grand object, second only to the prevention of famine. Certain circumstances may be accommodated; but there can be no accommodation to a fluctuation; and of all the curses that ever were inflicted upon a country, those great fluctuations of prices that took place by tampering with the standard at the tail of the last century, were the severest. I was one of the parties, and I take great blame to myself for not taking greater care to moderate the rapidity and the uncompromising rapidity of the changes that then took place. I was most dangerously ill at the time (I do not know whether that would be any excuse or not), and prevented taking any part in the discussion, but I was one of the parties. I acknowledge it; and I take great blame to myself for it. I agree with the noble Duke (Wellington); and that is one of the very few things upon which we do agree. Upon the whole, I supported Mr. Peel's Bill. If I had been in vigorous health at the time, and been able to attend the House with the great doubts I had, whether we should come back to the old standard, or something like the old standard, my opinion, I think, would have been, that it would have been better to have made some pause between the two extremes. But at all events, I am of this opinion, that a greater curse never visited any country than when those great and enormous fluctuations which took place during the war, and immediately after the peace, one day a pound note being worth only 13*s.* 6*d.*, and another worth 20*s.* Now, in respect of steadiness of price and prevention of fluctuation, I looked at the continued operation of the Corn-laws with additional alarm. I will shew your Lordships the degree in which those laws have affected steadiness of price and fluctuation. I say they have not prevented fluctuation; and I am about to tender evidence to your Lordships, shewing you they have not prevented fluctuation. Nay, I will go a step further, and I will shew you they have caused fluctuation. I will not detain your Lordships with many figures, but I will give you one or two abstracts. Take seventeen years, from the year 1773 to the year 1790, the fluctuations were not more than 2*s.* or 2*s.* 3*d.* yearly, or 4½ per cent. was the whole measure of the fluctuation.—[The Duke of *Wellington:* Do you take the average of years?] I take the price by years—year by year, I will afterwards take the average of a series of years—the different prices in different periods. I am now taking the average by years, and the greatest fluctuation was not more than 4½ per cent.—it was a very steady price. Now I stop at 1790, for a very obvious reason—I mean to omit the next 15 years—up to 1804 and 1805, for this reason, that there were two years of scarcity, 1795, 1796, that might confound the calculation. There were still worse years, 1800 and 1801, which made, I admit, the fluctuation in 1801, 11*s.* a quarter. Then I omit those years for another reason, that it was the beginning of the depreciation; so that for these three reasons, scarcity in 1796—scarcity in 1801, and the beginning of the depreciation, which greatly are all disturbing causes, I pass over those 15 years, because I have no right to argue on them. Now what was the price in the next years, which I am going to call the attention of your Lordships to—from 1815 to 1828? I am now going to the fluctuation in each year, and the year in which there was the least fluctuation, it was not 4½ per cent., but 11¾ per cent, under the influence of the steady operation—the equalizing operation of the Corn-laws, for it was after the year 1815 when the late Corn-law Bill—Sir Henry Parnell's Bill—had passed the House of Commons. What think you, my Lords, was the greatest fluctuation under the same steady, poising, equi-poising, regulating influence of the Corn-laws, those being the purposes of the Bill? Not 4½ per cent., as it was before the Corn-laws—not even 11¾ per cent., as it was in the year of the least fluctuation, but 94¾ per cent.! Here was a fluctuation in price of near 100 per cent, during one single year, on the same commodity, and that commodity the prime necessary of life. [The Marquess of *Lansdowne*, What year was that?] I think it was the next year after the first of those two important laws had passed, but I will tell you in a moment, I have a memorandum of it. It was in 1816, and the fluctuation was 95¼. [The Marquis of *Lansdowne*, still under the influence of the depreciation?] Still under the influence of the depreciation. Now whether that was a very well-considered remark of the noble Marquess, your Lordships will judge. The depreciation was the same in the beginning of the year as it was in the end—the depreciation was throughout the whole of the year 1816. Mr. Peel's Bill was passed in 1819, and there was not one farthing in the pound difference in the value of gold in any one month of that year, from January the 1st. to December the 31st. How would depreciation make grain fluctuate? If there was a going up and down of bullion—if the pound note was worth 21*s.* in one month, and 13*s.* in another, [The Duke of *Wellington*, there was a reduction in the currency.] If the ounce of gold had risen from 3*l.* 10*s.* ½*d.* to 4*l.* 10*s.* at one period of the year, and had gone down to 3*l.* at another period of the year, no doubt my noble Friend would be quite right; but was there any such alteration as that? I remember the bullion question well enough to be certain that during the whole of the year 1816—though I am quite aware there was a contraction of issues,—I venture to say, without the slightest hesitation, it will be found there never was from the beginning to the end of that year above three or four shillings difference at the outside between the mint and market price, from January to December. [The Duke of *Wellington*, what does that make?] I will show that instead of making 95 per cent. it does not make 20 per cent. so that I will make you a present of 70. So that there is at least 70 per cent. variation instead of 4½ per cent. which it was before the enactment of the Corn-laws. But I am going to read to your Lordships other sums, because that is an extreme case and it is not worth while to argue on extreme cases. The noble Duke thinks there was a great alteration in the issue of bank paper in 1817. Now, in the year 1817 the fluctuation was fifty-two per cent. That is enormous; the next year it was sixteen per cent., then twenty-three per cent., then thirty-six per cent. Now, then, comes the year 1820, and I am glad we have got to the year 1820, because it clears away all doubt as to the fluctuation being attributable to the currency. The mint price of gold has, never since Mr. Peel's bill, varied from 3*l.* 17*s.* 10½*d.* per ounce. Now, I entreat your Lordships' attention to the fluctuation of the price of grain. The fluctuation in 1821, was fifty-three per cent.; in 1822 it was thirty-two per cent.; and what do you think was the fluctuation in the price of grain in 1823, which was not a year of scarcity, and when the currency was steady? It was enormous—fifty-six and a quarter per cent. In 1825 it was thirteen per cent. in 1826 it was thirteen per cent.; and yet one would have thought, that if ever there would be a fluctuation, it would be in those two years, 1825 and 1826—one being a year of great speculation, and the other of great distress; but no such thing—it was thirteen per cent., clearly showing, therefore, that the fluctuation must depend on something else. Then, in 1828, it was forty-six per cent.; in 1829, thirty-three per cent.; and so on, till you get to 1836, and in 1836 it was no less than seventy-one per cent, although the year 1836 was not a year of scarcity. The ports were all shut—the Corn-laws were in full operation. The ports were shut from 1832 to 1838 — there was to be no fluctuation, it was said, under the Corn-laws, and yet it was, in one year seventy-one per cent. Now, then, we will take it from year to year. The first Corn-law bill of Mr. Western's was passed in 1804; and one of the great arguments urged in its favour was, that if we did not have cheap bread, we should have steady prices. In the next year, 1805, it was thirty per cent., twenty-two, forty-six, fifty—so it goes on. I purposely avoid going upon those years because those were years of great depreciation. There never was however, such a difference between the issue, either an over-issue of bank paper, or a contraction of bank paper, so as to make anything like those enormous variations in prices. Now, my Lords, I have stated—what I am prepared to prove by the evidence of witnesses—I have stated to your Lordships the effects of those Corn-laws in preventing or exacerbating the great evil of fluctuation. My Lords, I certainly am one of those who attach the very highest importance to steadiness of price. It is not only a pre-eminent convenience to all mankind in their dealings to know exactly the amount of prices — it is not only of the first importance to all mercantile men for guiding their conduct and governing their speculations in trade—to manufacturers especially, who employ hundreds, and even thousands, of hands, and who pay hundreds of thousands a-year in wages—it is not only to them of the highest importance, but it is of the last necessity, that they should know what prices they can fearlessly and undoubtedly rely on. Without that they are in the dark, groping their way, no glimmering of light to lead them, ignorant whether they are entering on a speculation that is to redound to their wealth, or to prove their ruin. But for that, standing still is the best course to take according to the proverb that where you cannot see you should not move, for all classes, for the consumer of corn, for the buyers of manufacturers—for every person, be he the industrious worker with his hand, or the capitalist trusting to his head, or the idle consumer having an annual income to be spent, for all classes it is of the first importance to have steady prices affecting all the commodities in which they deal, either to purchase or consume. The price of corn will more or less affect the price of all commodities. When you tell me, that prices are steady, you tell me that every man's income is steady, and that each person, be he agriculturist or manufacturer, producer or consumer, knows his own resources. But if you tell me, that prices fluctuate, you tell me that no man's income is known, that no man's resources are within his own knowledge, that no man can study economy with prudence. And I believe, that steadiness of price, followed as it is by a certain knowledge of each man's resources, is, of all the helps to prudential conduct—of all the preventives to extravagance and dissipation—the most important, which lawyers, ministers, or moralists, can desire, or aim at. Therefore it is, my Lords, that I look upon fluctuation — which makes every man, more or less, a speculator—which causes every man, more or less, to lead a gambling life—fluctuations in the prices of the necessaries of life, I look upon as that evil against which the wise lawgiver would most sedulously guard by every means in his power. My Lords, it is for that reason I have tendered the evidence upon this head, and have gone into it at some length, because I think it is altogether impossible to overrate its importance. And now, my Lords, I come to another part of the evidence I tender, and which I think hardly inferior to, and is, in fact, closely connected with the last. My Lords, the effect of the Poor-laws. [Earl *Stanhope*, the Corn-laws]. My Lords, when I look towards that part of the House where my noble Friend sits, I am instinctively reminded of the Poor-laws, and hence arose the error. The two subjects, in truth, are by no means unconnected, and I may say this in passing—the landowners who have the burthen chiefly of maintaining the poor—have a great interest in cheap food, which they yet, by some strange fatality never seem to be conscious of. If they sell corn high they must pay high wages; and when there is a scarcity, maintain the labourers out of the poor-rates. So it is not all gain from keeping up a high price of corn, and fluctuation is of most pernicious tendency, for whenever there is an uncertainty in trade, there is variation as to the numbers employed, and this throws, from time to time, numberless persons on the poor-rates, that is, upon the landowners, which would not be the case, but for the fluctuation caused by the Corn-laws. My Lords, I was about to state to you a very important head of evidence,—that with respect to the inequality of prices produced by the Corn-laws in different parts of the world. The consequence of our not taking corn from the continent, corn being the only commodity in many countries offered to you, or which is there to be sold, is, to make corn unnaturally cheap in other countries, to create a greater difference than nature would make between the price of corn in England and the price of corn elsewhere. Consequently, it has a tendency to make a greater difference than naturally would be produced between the price of labour here and elsewhere; consequently, it tends to make a greater difference than is natural between the prime cost of producing our manufactures, and the prime cost of producing manufactures elsewhere; consequently, again, it makes a greater difference than natural, between the facility of entering a market, to the foreign manufacturer, and the facility which our manufacturer possesses of entering the same market. And this produces another consequence, or rather, perhaps, the same result in a different shape. I wish to drive home the conclusion, and therefore, put it in another form, consequently I say, that when you, under the "protection," as you call it, of the Corn-laws, to your agriculture, intended to produce steadiness in prices—I don't dispute that now, I have disposed of it already, you increase the difficulties in the way of the manufacturers of our own country, on entering into competition with foreign manufacturers, in continental markets—you tend to shut out your manufacturers from the foreign market, giving to the foreign manufacturer a premium at the expense of your own manufacturer. My Lords, this is the probable theory and I tender proof of the fact upon oath. I am ready to prove on the evidence of unquestionable witnesses, that whenever your markets are open to foreign corn, a check is then given to foreign manufacturers, and an encouragement to your own. I have evidence of facts which I shall presently state more in detail, and which, if they are admitted to be true, and on that hypothesis alone can your Lordships reject the proffered evidence, should have great influence on your Lordships. I shall upon them ground resolutions which your Lordships cannot than but agree to. My Lords, there is another evil which the manufacturers of our country sustain from the Corn-laws. In order to be able to export our goods—and this applies, therefore, to the merchant who exchanges, as well as to the manufacturer who works up, commodities, to enable them to approach foreign markets with profit—they will not do so without—it is necessary that means exist in that foreign market for furnishing returns to our exportations. Nominally, it is done by bills of exchange, &c. But unless you take the goods of your foreign customers, they will cease soon to deal with you. Now what is the effect of the Corn-laws? In countries to which the Corn-laws do not apply in this way; which have other commodities besides corn to send in return for our manufactures, our merchants have a considerable trade, and our manufacturers export large quantities of their goods to those countries. But how is it with those countries which have nothing but corn and timber to give us in return?—and the argument applies to timber, for there are timber laws for the behoof of the colonies, answering to our Corn-laws, for the benefit of agriculture at home—those countries which are much fitter customers for us than others, inasmuch as they can be communicated with four or five times, to once with other countries; the districts on the Baltic, for example, which lie within a ten days' or a fortnight's voyage, and which produce nothing for exportation but corn and timber; if you will not take their corn and timber, they will not take your manufactures; so that you are not contented with raising the prices of your own manufactures—with lowering the prices of foreign commodities—with giving the Continental manufacturers a premium against your own—but you must shut out your manufactures, hampered as they are by the restrictions of the Corn-laws—you shut them out altogether from foreign markets, by saying, that they shall not receive the only commodities which the foreign merchants can offer them in exchange for their manufactures. The operation of this result of the Corn-laws is confined to Europe, and principally to the northern parts of Germany, and the districts bordering on the Baltic. There is the test of this effect? It is this—simple, I think, and decisive. Examine what are your exports to those countries from which you decline to receive the manufactures. Then take another set of countries—those which have other commodities besides the prohibited ones to send you in return: that is, Africa, Asia, the West Indies, South and North America—all which countries have some commodities, either gums, or metals, or cotton, like North America, or sugar, &c., which they can supply us with. Examine where your exports have increased, where kept steady, and where diminished, under the influence of your Corn-laws, and the result of the two branches of the inquiry will show the effect of those Corn-laws, whether it be prejudicial, innocent, or advantageous, to our manufactures. Now, my Lords, I will open to you the evidences which on this part of the question I am prepared to lay before you. In those countries to which our Corn-laws do not apply, they having other commodities to exchange with us, there has been, from 1816 to 1836, twenty years, an increase of our trade, from 16,000,000*l.* annually to 28,000,000*l.*, clearly showing, that there was no want of skill in our manufacturers; that there was as great a demand for our goods as ever, where our customers had the means of buying them—that is, Africa which could export her ivory and gold dust, the West Indies, which had their sugar and rum, and America, which had her cotton; in all these countries there was an increase of fifty per cent. in our exports in twenty years. Now we turn to those countries where our Corn-laws act as a prohibition on the importation of their commodities—for the five years ending 1820, as compared with the five years ending 1836, there was a difference of no less than twenty per cent., and unfortunately a diminution to that amount, in the latter period of our exports. For one or other, or both of two reasons, my witnesses will show to your Lordships, that their experience leads them to believe, that they have found out the real cause. For my own part, I believe, that it is not one, but both of the reasons to which I have alluded, that operates upon the commerce of the country—the favour which the Corn-laws gave to the foreign manufacturer, by keeping down their prices and raising ours, and by shutting the home market to the only article with which foreigners could pay us for the articles they wanted. My Lords, I will go into more detail in my evidence. The returns of the exports show a most alarming increase in the export of those articles upon which we have spent little or no labour—not one of the most alarming aspects is the great increase of new manufactories abroad, and I can prove, by witnesses at the bar, by men of skill, by men of experience and knowledge—I will show by these gentlemen, that the operation of the Corn-laws has been to make, to force, foreign nations to become manufacturers. Now, my Lords, look at the articles in which our exports have decreased. My Lords, the raw materials have increased in a most extraordinary ratio—while the export of manufactured articles has most materially fallen off. In bar and pig-iron the exportation has increased very greatly—they are the raw materials, but cutlery, the manufactured article, has not increased, but in many places fallen off. Again, take the article of woollen cloth: the exportation of woollen cloths has greatly fallen off, but the exportation of wool has greatly increased; for instance, the woollen cloth exported to Russia in 1826 amounted to 346,000*l.* Well, sixteen years later it had fallen off two-fiths of that amount, and was then no more than 23,000*l.*, but the export of wool has greatly increased. In the three years ending in 1827 the amount of the wool exported was 178,000 lbs. while in the three years ending in 1837, it had amounted to the enormous quantity of 3,744,000 lbs. Again, the yarn exported in 1827 amounted to 154,000 lbs., but in 1837, it, like the wool, had increased to the large amount of 2,472,000 lbs. These figures which I have laid before your Lordships clearly show, that the exports of the raw material has most materially increased, while the manufacturing articles has most sensibly and alarmingly fallen off. What do we find—do we not know, that in former times English buyers regulated the whole markets of Germany, but now German and Belgian merchants regulate the markets, and supply themselves to our exclusion, as I am perfectly ready to prove by credible witnesses at your Lordships' bar. I will now illustrate to your Lordships by a few facts—facts which I am ready to prove on oath, the establishment of manufactures abroad, and the places where they are established. We know, that the great staple manufacture of Nottingham, from which my noble Friend presented a petition, has been for many years stocking hosiery. In 1815, there were in Saxony, the other great stocking mart, 1,000 stocking frames. In this country there were at the same period 16,300 stocking frames. But at the present moment in Saxony there are upwards of 16,000 stocking frames established. They have in that period arrived at an equality with us. This, my Lords, is one particular branch of trade. I could show your Lordships that spinning machinery has been established in various parts of France and the Netherlands. But I should prefer proving it to your Lordships in a more satisfactory and a more compendious manner. I have looked around me in order to see what kind of manufacture itself is the best test to try this question, and it immediately occurred to me, that to refer to the supply of machinery to foreign nations is at once going to the fountain-head. If I can demonstrate to your Lordships that there is an almost incredible increase in the manufacture of machinery for abroad—if I can show that the manufacture of cranes, spinning-jennies and wheels, is now going on by the gross for foreign nations, I shall have demonstrated to your Lordships that there is great danger accruing to our manufactures. If I demonstrate to your Lordships that a great many establishments have been erected abroad for the purpose of making machinery, I shall have demonstrated to your Lordships the necessity for an inquiry. I am prepared, my Lords, to prove that such establishments either now exist or are in the course of erection by two most respectable witnesses—by two gentlemen who have been much alarmed at the falling off of the manufactures of this country—by two gentlemen who have visited these establishments, not out of any idle curiosity, but because they were alarmed at being successfully opposed by foreign manufacturers in markets which hitherto were their own. They are prepared to state, my Lords, that these foreign manufactories are greatly on the increase. They are prepared to state, my Lords, that there is a large manufactory for machinery at Dresden; that there is another at Chemnitz, which is worked and superintended by English hands; that at Prague there is another of the same sort; that at Vienna there is another, which is thought of so much importance by the paternal government of that enlightened country, that the establishment is absolutely fixed in a palace; two, in fact, of those I have enumerated are established in palaces. At Elberfeldt there is another—at Aix-la-Chapelle there is another, and each of them worked by English hands; and I pray your Lordships to observe, that when I speak of one manufactory at each of those places, I speak of many—I might say that every one of them is a manufactory of manufactories, because each of them being a manufactory for making machinery alone, must supply a great number of manufactories. Spindles, wheels, and cranes, every kind of machinery is made at Zurich, and I am prepared to prove to your Lordships that they use no less than five tons of pig-iron—that no less than five tons of pig-iron are melted and used in that establishment at Zurich in one day. If your Lordships want another test—if your Lordships should like the test of numbers, I am prepared to prove that at Liege there is one manufactory alone where 4,000 hands are employed under English auspices, and set in motion by English capital. A noble Lord to-night presented a petition, which I saw made its impression on the House, and in commenting upon it, the noble Lord said, if the Corn-laws were repealed, English farmers would be under the necessity of seeking their fortunes in distant lands. I do not deny the importance of the observation. I am far from saying, that you ought to shut your ears against those who solicit your opening them to that statement. Yes, I say you ought to hear both sides. I say it is fit to hear what these petitioners only represent as a possibility—only state as an opinion of theirs—only give as the apprehension of their minds—naturally sensitive, yet perhaps not naturally the best informed on this subject, though naturally and inevitably deeply interested in it: I say it is fit, in answer to those who cheer and cry "hear!" that the apprehensions and anxieties of these not very well-informed individuals should obtain a hearing before you. But then, if you listen to their apprehensions of what may happen—of what never has happened—of what I think not likely to happen—how much more does it behove you to hear my statements of what has happened—of what is every hour happening—of what will continue to happen, until it overwhelms your manufactures; for my statements will be proved on oath by persons who have seen what they state—who will not represent their vague conjectures, their apprehensions, their fancies, or their fears of what may be; but, who will tell you on oath what they know is, and has been, and must be, because it has already taken place. I am told, that farmers may emigrate, though they have not done so—though the emigration of farmers was never known—and though the emigration of the peasantry of a country is impossible. My prayer to your Lordships is to hear. I only desire you to hear. But I desire that you would not hear fears and fancies, and shut your ears to facts and truths: that you would not hear vague apprehensions of what may one day take place, and refuse me liberty to bring evidence before you of what has already taken place. Let me ask your Lordships, is it natural or desirable, that our English manufacturers should go abroad to a foreign country? Your Lordships thought it a consummation much to be apprehended, that a single English farmer should go abroad: yet, if a single English farmer should go abroad, and become a servant to a foreign Peer instead of an English Peer, we should have indeed to regret the loss of a most valuable member of society, but there the loss would end. But if an English manufacturer goes to Zurich, we do not merely lose one citizen from Birmingham or Wolverhampton—we do not merely lose a good justice of the peace at quarter sessions—the state is not merely diminished by a unit however respectable—but he goes to work manufactures, to work into machinery—into spindles, and wheels, and spinning jennies, five tons of pig iron every day in the year, for the purpose of meeting the demand of that fatal competition with your spinning jennies in the markets of Europe. Another going to Liege, does not merely take away a respectable member of society from this country, but establishes works where 4,000 men are employed in the manufacture of cotton twist, or still worse for this country, in the manufacture of machinery. I now come to what is said by my noble Friends opposite, who are so anxious to hear, but so unwilling to listen; who are so anxious for one side being heard, that they do not think of hearing the other; my prayer is, that you should indulge with an audience, not only the men who dread and apprehend, but also the men who can prove and swear. I now go from the case of the manufacturers to the landed interest, and all that I have said respecting fluctuations, all that I have said respecting steadiness of price, applies to the landed interest just as much—not more—but just as much as to the manufacturers. I speak as much of them as of the manufacturers. And I say, that one any more than the other, has no interest, as many imagine, in retaining these Corn-laws; but, on the contrary, every interest in checking the downhill progress of our manufactures which these Corn-laws are unquestionably producing. But now, I address myself to the landed interest, and to what distinctly applies to this case. And first, I think it is something for my position—I think it goes far to show that it is not unfavourable to the landed interest that some of the very greatest agriculturists—greatest in skill, experience, in the extent of their farming operations, and in the amount of capital invested in them—have been decidedly of opinion that they would be better without the Corn-laws than with them. I can produce strict legal evidence of this. I can bring testimony to show that this opinion has been held in the highest quarters; and indeed, if I were to name among all your Lordships any one who had a great stake in the country more than another—who had no possible interest in throwing impediments in the way of agriculture—who ought to be more wedded than another to that interest—whose means of subsistence and wealth were more especially derived from agriculture, I should name my noble and much loved Friend who is bringing forward this motion; for I am only endeavouring to lay a foundation for the case by evidence. The noble Earl, I mean, who is connected with Yorkshire, with Ireland, and with Northamptonshire; with districts of this country where manufactures are wholly unknown—and with Irish districts, where there is scarcely a manufacturer, and where a strong prejudice prevails against any alteration in the Corn-laws; yet that noble Earl has a most unhesitating—a most unflinching opinion, that he is the worse for the Corn-laws. So, likewise, is the opinion of a great—the greatest agriculturist connected with Norfolk (the Earl of Leicester) that the present system of Corn-laws was no benefit to the farmer. It is no matter what his peculiar opinions might be. I do not inquire at present respecting the kind of alteration which should be made. A fixed duty is opposed to the present system, and those who are for the present system are against a fixed duty. Another who was opposed to these laws, was one whose loss I must always deeply deplore; one of the dearest friends I ever had in life; a man whom to name is to honour—the late Earl of Thanet—a man whose opinion on this subject ought to have the weight due to a vigorous understanding, and to experience of very large agricultural operations of various descriptions. It was his conviction that the maintenance of the Corn-laws was more harm than good. But, perchance he did not know how to form an opinion—perhaps he knew nothing of farming—perhaps he was ignorant of political and economic matter. No, he was intimately connected with land, and skilful in farming; and he was an enemy to the Corn-laws, on the ground of interest, both as a farmer and as a landlord. And, my Lords, I can also produce to your Lordships farmers — with deep interests as farmers — who will give exactly the same testimony. One fact I will mention to your Lordships by way of blunting the edge of the appetite of those noble Lords on the other side of the House who seem to wish for my destruction. The period of the closest and most complete monopoly of the home market to the home growers was from 1832 to 1838. Now, what was the price of wheat at that time? During the whole of these years, till the ports were open, the average price of grain was 36*s.* and a fraction. ["*No, no!*" *A noble Lord* observed that that was the lowest price.] I am going into a comparative statement, and it is a matter of indifference whether I take the highest or the lowest average. It would signify if I spoke of the absolute price, but when I take a period when the ports were shut to compare with a period when the ports were open, it is quite indifferent—36*s.* 7*d.* was the lowest price; it was the average of December, 1835. ["*One month.*"] No doubt it is one month; I take the month of December, 1835. I have no average of a time when the ports were open excepting the month of December, and, therefore, I take the same month when they were shut. The average of the same month of December in 1838, when the ports were shut, was 77*s.* That is a decisive fact to blunt the edge of the appetite for my destruction which I saw in noble Friends around me. Now, I may say there is this detriment—this very material detriment to the landowners from the present state of the Corn-laws. I will now admit they are as wise as if framed by an angel. I will admit, that all my arguments—that all the evidence I tender against them proves nothing. I will admit all, that their warmest eulogists are pleased to pronounce in their favour; at all events they are repealable, and at all events it must be conceded that fluctuation of prices has not been prevented under them. At all events it must be likewise granted, that as long as these laws give rise to fluctuation, so long will capitalists hesitate to rely upon them, and so long will capital be withheld from agriculture. I can bring capitalists—large capitalists, who will prove to your Lordships, that a repeal of the Corn-laws would, in a few months, produce a steadiness of profits—of farming profits—which would cause capital to be invested in land; would let loose millions, now invested in the funds, and yielding a profit of only 3½ per cent.—less, in fact, for the money invested in the three per cent. consols. And nothing, I take it, would be more beneficial to the landed interest, especially to any part of it which may happen to be in distress, than the application of large capitals to purchases. It would further be a great advantage to the landowners, if the protecting duties on manufactures were taken off, so that manufactures might be sold cheaper. So that you could buy goods of the various descriptions that are manufactured in this country, and are consumed by the farmer—of a better kind, and without any increase of price. I need not stop at this moment to show, that till the Corn-laws are repealed, no man of sense would venture to propound so extravagant a proposition, as to deprive the manufactures of their protecting duties, and at the same time keep up the protecting duties in favour of the landowners. My last observation on this subject is one of a striking nature. I beseech and earnestly implore the best attention of your Lordships to what I have already stated, and solicit your attention to what I am now going to observe. In reference to what I have stated as the wane of our manufactures, I began by saying, that not one word should escape from my lips depreciating the agricultural, the land interest, the landlord and farmer, whose great influence by right in this community I admit—whose great influence in point of fact, in this community I admit—whose being mixed up with the fate of the country from the stake he has in the country. I am the last man to deny, or hesitate, to amply concede; but so neither will I not say one word against the manufacturer, or whisper one breath which tends to undervalue that most respectable, useful, essential member of the community; and I have lately seen, with the greatest astonishment, from a noble Friend of mine, one of the present Ministers, a statement made upon an election occasion, I suppose it must have been, in which he places in the most invidious contrast the merits of the manufacturer and the cultivators of land. Morality, tranquillity, a love of all qualities that make good men and good citizens, he denies to the manufacturer; he places in the most odious contrast them and the landed interest in all things relating to morals, to steadiness of conduct, to tranquillity as good subjects, he conceives it to be a wild imagination, a dreaming fancy—to compare the manufacturer to the land cultivator. My Lords, these are not my sentiments. As my noble Friend has, in his experience, expressed great alarm at the bare thoughts of Government venturing to touch the Corn-laws—he says—I am afraid to say, that this Government (my noble Friend was then in Opposition) means to give up the Corn-laws to the manufacturers — the experience he has since acquired has altered his views, and he now finds, that these Corn-laws are not so beneficial, and he now presses a fixed duty to the present laws. My Lords, it is not a statesmanlike view to give preference to one class over another—it is neither a statesmanlike, or a correct view, to say, that one class of the community better deserves the confidence or protection of the Parliament of England than another. I am of that old-fashioned opinion, and though it came from a trader rather than a statesman, I think it contained more of political wisdom—it was more sound, more practical, and more statesmanlike. I mean those memorable words of Sir Josiah Child, "Land and trade are knit together, and together they must wax or wane; so that it never shall be well with land but trade shall be the better for it, nor ever trade shall suffer but land shall feel it." Comparing this with the Huntingdon address, in political wisdom few would doubt that it is infinitely superior. This is the sound view of the subject, and the last member of it I especially commend to your Lordships' attention—that "it never shall be ill with trade but land shall feel it." I will now, my Lords, show you what trade has done for you, aye, and I will bring you, a test by showing you the prices of wheat before and after the time to which I refer. I allude to the spring our commerce and manufactures made about the year 1770 or 1771. Before 1774 there was a bounty of five shillings on exportation, and we must deduct that amount from the prices I am now about to recite. In the fifty years commencing in the reign of George 1st. and ending in 1771, the average price of wheat in the English market, deducting the bounty of five shillings, was 26*s.* The average price was 31*s.* 8*d.* and the deduction of the bounty makes it 26*s.* 6*d.* The averge price of fifty-six years ending in

1825 was 62*s*. Deducting from that period the years from 1800 to 1820, which included a period of great scarcity and also the period of the depreciation of the currency which led in 1818 to a rise in the market price of gold above the current price, until it was restored to a level by Sir Robert Peel's Bill in 1819—deduct these years from the whole period, it will leave the average price of the remaining years 52*s*., which is exactly double the price of grain before 1771. But most true is the saying of Sir Josiah Child, that "it never shall be ill with land, but trade shall suffer; nor ever ill with trade, but land shall feel it." The bounty was taken off in 1774, and the same period was the most remarkable the most brilliant, and I will say the proudest, in the history of the English nation. The mines of this country and of Wales, teeming with wealth, were first fully explored, serving not only to aggrandise their possessors, but also to call into operation innumerable tools, engines, and machines of the most exquisite and powerful description, by which rocks were blasted—trees felled—the forests cleared—the earth broken up—all rude produce worked into the finest shapes with infinite skill, while at the same time manufacturing industry was exerted to add to the wealth which the bowels of the earth yielded, till those mighty spinning jennies, and the most extraordinary facts of the new power of steam, appeared enlarging the sphere of human potency and giving man a new existence and a new dominion on the earth. The whole face of nature was changed; the whole aspect of the earth in this country became that which it now is, and which God forbid it should ever cease to be, one large, wealthy, industrious, expert and skilful workshop of the most laborious the most ingenious, and I will add from intimate knowledge, the worthiest, I wish I could say the wealthiest, of mankind. These were the miracles of manufacturing industry. This was the period of manufactories. And yet we were not blessed with peace all that while, But in spite of broken peace, bearing up against an enormous and wrongful war, overcoming, by the skill and industry of one class so many evils fatal to both, which the profligacy of another sort of men would have brought upon them—notwithstanding ten years of one war and ten years of another—notwithstanding the genius of Washington and the success of Napoleon. The fleet of America could not shake your dominion over the seas, nor the military power of France repress the energies of your commerce. Art and manufactures, exposed to the most formidable enemies, have flourished and advanced, and this people has remained

> Quos neque Tydides, nec Larissæus Achilles
> Non anni domuere decem, non mille carinæ.

When you thus see, my Lords, what these consequences were—when you observe that during those years the price of agricultural produce was doubled, can you have the slightest doubt that Sir Josiah Child was perfectly right? Seeing, then, that manufactures were the cause which doubled the rental of every estate in the realm, I ask your Lordships on what principle can you refuse to hear the evidence which I am prepared to tender you at your Lordships' bar, to prove that the Corn-laws are rapidly driving away from us those very manufactures which so doubled, in forty years, the value of every estate in the country. These, my Lords, are the grounds on which I have founded my request to your Lordships. I offer to prove on oath the destruction of the corn-trade by the Corn-laws. I offer to prove on oath the removal of all security against famine by the Corn-laws. I offer to prove on oath the fluctuation of all prices at all times caused by the Corn-laws. I offer to prove on oath the equalization of prices abroad and at home prevented by the Corn-laws. I offer to prove on oath our manufactures destroyed by the Corn-laws. I offer to prove on oath the destruction of our export trade, and the closing of a foreign market to our goods by the Corn-laws. My Lords, I thus close this my tender of evidence with the same proposition with which I set out: that if my request is refused—if I am not allowed to prove my statements by evidence at your Lordships' bar, the refusal can only be grounded on one of three arguments—either that, fully admitting them to be all true, you require no evidence to prove them, or that they are so false that no possible evidence could be brought to prove them; or, that, whether true or false, the point at issue is so immaterial as to require no evidence one way or the other. My Lords, I know that the two latter propositions are altogether erroneous and impossible to be proved, as I hope I have shown; and I, therefore, conceive that any refusal of yours to hear evidence, can only be grounded on the first supposition, that you admit what I have advanced to be true; and in the event of your refusal, I shall accordingly take my statements to be virtually admitted to be true, and on the eight propositions which I have submitted, a noble Friend of mine who is not now present, will, in all probability, ground a motion for some alteration in the system. But, my Lords, I earnestly implore you will not reject my request; for, believe me, my Lords, if you do reject it, the day will come when you will say, "Better had it been for us if we had thought twice." The day will come when this reflection will be too late, and when your repentance will not supply the place of a wise compliance now. When I say this, I am quite conscious that your Lordships are a body of men, the last in the world, likely to be influenced by anything bearing the most remote semblance of menace, and I am the last man to advance anything which could bear that construction; but at the same time, I know that advice is not lost on your Lordships, but that you are ever disposed candidly to take it into your best and most serious consideration. I shall add but one word more to induce your Lordships to listen to the prayer of the petitioners, who earnestly implore to be heard, not by counsel, but by evidence, at your Lordships' bar. Whatever resolution you ultimately come to, supposing even that it be to do nothing against the present Corn-laws—stick to them, if you will, in the minutest detail, re-enact them as often as you will, resolve not to hear a word said against them—but for God's sake do not form this resolution till after you have heard the evidence I tender you. I protest to you, that if I were the most strenuous advocate of these laws—if I were the most unalterably fixed in my resolution that nothing should make me judge against them, if I were determined beforehand—though this would hardly be a rational determination, though this would hardly be a proceeding worthy of a judge whose business it is to hear before he decides—but even were I thus predetermined that nothing whatever should induce me to give up the Corn-laws, I should deem this predetermination on my part, not as an argument for refusing to go into the inquiry, but, on the contrary, as the strongest inducement I could have for permitting the investigation before I published my final resolution to the country. My Lords, let me put it most seriously to you, what will be the consequences of such a fact going forth to the manufacturers as that, when evidence was offered at the bar of your House in proof of eight propositions, every one of them vitally affecting the interests of trade, the manufactures, the commerce, the well-being of the country—the deep importance of which no man denies, the possibility of proving which, no man can reasonably call in question, the truth of which is so solemnly asserted, the proof of which is tendered on oath—what will be said, I ask, if those propositions are arbitrarily thrown to the winds—are put down by the mute eloquence of numbers, by the mere force of an overwhelming Parliamentary majority; and the people of England are told, "Parliament has made up its mind about the matter: go your way, return to your empty shops, repair to your ruined manufactories; or hie away to foreign countries; do what you list; we want none of your evidence; we care not for your testimony; we despise your facts; we have made up our minds to this foregone conclusion; and, lest your evidence might shake our determination, we won't run the risk of listening to it at all." Rely upon it, my Lords, that a refusal on your parts would be accompanied by the most unwelcome suspicions and comments on the part of the country. It is a much more pleasing task to contemplate the happy effects of the opposite course, of your acceding to my request that you hear this evidence. I can conceive no earthly event which would tend more to reconcile—if there has ever been a falling out—the people of this country to the established order of things, to the order to which your Lordships belong, than your candid consideration of, your paternal listening to, the application of those petitioners—your opening wide your doors to the people's prayers—your not shutting out the proffered evidence as to their distresses, and the remedy which they propose for them. My Lords, returning to you my best thanks for the patient and indulgent hearing which you have granted me, addressing you on the part of the people of this country, I will now conclude with moving, "That the petitions on the subject of the Corn-laws be referred to a Committee of the whole House, and that evidence be heard at the bar."

The Duke of *Buckingham* would not trespass at any length upon their Lordships' time, after the very able speech of the noble and learned Lord, for whose talents he entertained a very great respect. It was perfectly clear to him that the whole gist of the noble and learned Lord's speech was nothing more nor less than a repeal of the Corn-Laws. The noble Lord had asked for witnesses to be heard at the bar of the House, but it was impossible for him (the Duke of Buckingham) to disguise from himself the fact that the ultimate object of the noble Lord was a repeal of those laws of which he honestly acknowledged himself a firm and strenuous advocate. It was impossible also not to perceive, that the agitation now going on in all the country, was for the sole purpose of creating dissension between the manufacturer and the agriculturist; and when he heard from the noble Lord opposite what his opinions were, he could not but recollect the opinions of noble Lords and others in another place, who openly avowed their intention of repealing the Corn-Laws. He would take the earliest opportunity of expressing his dissent from those opinions, and his firm adherence to those laws which he considered were only a just protection to a large class of her Majesty's subjects—a class which, when in distress and difficulty they appealed to both Houses, had done so in vain, and had still borne with perfect temper the distresses and reverses to which they had been subjected. He now asked the manufacturers, for whom he entertained every possible respect, how were the English farmers to compete with foreigners if these protecting duties were taken off. It was impossible they could do so, and he would appeal to the noble Earl opposite (Spencer), who was a practical farmer, and he was satisfied that he would agree with him, that if they repealed those laws, and took away all protection from the English farmer it would be impossible to compete with those who would grow their grain under such superior advantages. With regard to the consumer it appeared to him that a fair remunerating price would not interfere with their interests, while the great manufacturing interests of the country would receive that protection to which they were fairly entitled. What alarmed him upon the present question was, the difference of opinion which was said to exist in influential quarters, and he should have wished that a question of that sort, affecting the interests of a large portion of the community, should not have been made an open question by the Cabinet, or one upon which its members should hold divided opinions. All parties in times of difficulty and danger look to her Majesty's Ministers for protection and assistance; but he must say, that upon this question the agricultural classes of the country could not look to the present Government for either. They must look for it from their friends in both Houses of Parliament, and from the exertion they would make in their own behalf. There was another point to which he wished to call their Lordships' attention. He would remind them of what had taken place in that and the other House of Parliament during the last Session. Their Lordships would recollect, that the question of tithe composition had agitated the country for some time previously. That question was settled by taking the average of the last seven years, and no sooner had that Act received the sanction of Parliament, and become the law of the land than the averages, which were the basis of that Bill, and which adjusted all differences between the farmers, landlords, and tithe-owners, was at once to be destroyed, and the fabric on which it was built overturned. The proposition of the noble Lord was therefore unfair to all the class of landowners in that country. He conjured them, as they valued their country's welfare, the prosperity of its inhabitants, and the stability of the Throne of these realms, not to permit that interest which had always been foremost in manifesting its loyalty and affection for the Throne, to be deprived of that protection and defence which they only asked for, because they were fairly and legitimately entitled to it. He would not trespass further on their attention, but he felt he should not be doing his duty to the country at large if he had not, on taking his seat in that House, performed a duty to those whose confidence he had maintained for so many years. He should have blamed himself had he not at the earliest opportunity entered his most strenuous protest against the proposition of the noble Lord opposite, and asked their Lordships not to agree to a motion which had for its object the entire overthrow of the Corn-Laws of that country. He disagreed totally with that proposition and he adhered firmly to the present system of Corn-Laws—he wished for no alteration in them, and in that opinion he was supported and guided by a large majority of the commerce of that country. He asked forgiveness for trespassing so long on their Lordships' attention, but he could not sit in that House without deeply and honestly expressing his entire dissent from the motion of the noble and learned Lord.

Earl *Stanhope* would wish to call the attention of the House to the course which had been pursued by the noble and learned Lord, not to the arguments he had urged, for arguments he had disclaimed, but to the statement which he had made. In the whole course of his address he had not stated what was his ultimate object, supposing that evidence was produced at the bar. The noble Lord did not say whether he wished for a total or a partial repeal of the Corn-laws—whether he would be content with a moderate or a high fixed duty, or no duty at all. He trusted, therefore, when the subject was brought forward on another occasion in regard to its real merits, that he (Lord Stanhope) might be allowed to speak his opinion upon the general view of the question. At present he would confine himself solely to the series of statements which the noble and learned Lord had made. No man felt more strongly than himself, that it was the duty of that House to open wide its doors to receive the petitions of the people—to afford them every opportunity and advantage of establishing by evidence — nay more, by the arguments of counsel at the bar, any grievances of which they complained; but it was obvious, that that could apply only to a case where in the first existence there existed a *prima facie* grievance, and secondly, where the Legislature had the power of redressing it. He would now proceed to notice those statements of the noble Lord in which he asserted, that under the existing system of Corn-laws the trade in corn had ceased to exist. He would ask whether the fact was not, that with a general deficiency of corn in the country and abroad, the importation for the last year had amounted to 1,800,000 quarters. The noble Lord was uninformed in many other points. With respect to the price of corn at Dantzic, it might at present, after an unfavourable season, fetch the price mentioned by the noble Lord; but he would venture to assert, that some years ago the best wheat could be procured at Dantzic for 28*s.* a quarter. He was also most grievously misinformed on other points, for he confined his observations to the port of Malta, (although that was only a port of deposit, Malta producing no corn of its own) and the single port of Odessa. He was also misinformed with respect to the relative price of bread in that country and on the Continent. He happened to have been at Calais last month, and he inquired the price of the 4lb. loaf, and was told it was 8*d.*; he had also inquired in that part of Devon, with which he was connected by property, and he found, that the 4lb. loaf there was also 8*d*. He need not observe, taking into calculation the comparative value of money in both countries, that the price on the Continent was considerably higher than in England. The noble and learned Lord had told them a very pathetic story of some merchant who, no doubt, from purely patriotic motives, and the public good, and having no regard to emolument, but contemning lucre and pelf, had provided a large supply of foreign corn — [Lord *Brougham :* I never said he did.] The noble Lord related it as a matter of suffering, as if the individual had been acting solely for the public good. His noble and learned Friend had grossly mis-stated the case upon that point. He was not going to read an extract from an Act of Parliament, for nothing could be more tedious, and, he might add, unintelligible to peruse. He would find, however, that when the average was 72*s.* the duty was 1*s.*, and that the duty increased 2*s.* for every 1*s.* the price declined. So that that unfortunate gentleman, because he would not consent to sell his corn at a moderate loss, chose to go into the *Gazette*. [Lord *Brougham*: Look at the act again.] Let the noble and learned Lord look at the act himself. The noble and learned Lord was much more expert and dexterous than he could pretend to be. He merely looked at the schedule, and if there had been anything like ordinary prudence he would have lost very little. The present was an age of paradox, there was no opinion so extravagant or unreasonable which did not find an advocate, and now they were gravely told the Corn-law menaced the country with famine. Now was it not much more probable, and much more to be apprehended, that those laws being repealed, and we being obliged to rely for food upon supplies from foreign countries, we should be much more liable to the visitation of famine? If our communications with those countries were interrupted, either by edicts from their respective governments, or by the occurrence of war, the inhabitants of these realms would undoubtedly be much more in danger from famine, if they had to depend upon those countries for provision than if they could draw them in general, as now, from their own resources. Now was it not a fact, that the soil of this country was well able to supply its people with food? Why even the noble and learned Lord himself admitted, that from 1832 to last year there had been no importations whatever of corn into this country. He (Earl Stanhope) would now proceed as rapidly as he could to disprove the points on which the noble and learned Lord had successively dwelt with so much emphasis as the ground work of the proposition which he expected their Lordships to adopt. It was necessary to do this as carefully as possible, as there was no other question in which were so deeply involved the interests of those engaged in commerce, in manufactures, in agriculture; and most, though last of all, the labourers. One of the strangest complaints of the noble and learned Lord against the Corn-laws was, that they caused a fluctuation of prices. And he would admit this proposition. He acknowledged, that the Corn-laws had not answered their purpose in maintaining remunerative prices to our agriculturists. But could it with justice be asserted, that the fluctuations were to be ascribed to those enactments? Were they not rather ascribable to the measures which from time to time had been adopted respecting the currency; and which had had a great influence in producing the fluctuations they had witnessed in the various articles of trade and manufacture? In 1822, he showed that a fluctuation of not less than thirty per cent had taken place in the prices of several articles of foreign manufacture, from the very same cause that had caused the fluctuations in the prices of corn—namely, the alteration in the currency. And the argument he and others then advanced had never been conclusively replied to. The noble and learned Lord had enlarged upon the benefits that would arise from the reduction of a full tax of one shilling per quarter on the wheat consumed by each individual per year, that being taken as the amount of burden imposed on each member of the community, by the Corn-laws. Now, no one had spoken more than himself of the extreme importance; the paramount duty; the essential necessity of doing everything that was possible to raise the condition of the labouring classes of this country; to alleviate their distress; to promote and secure their welfare, and he could wish the noble and learned Lord to ask any one of the labouring classes whether he could consider it the greater boon to have this reduction of one shilling a quarter; that was to say, supposing the party to be a single man, of one shilling per annum in his expenses—one quarter per annum being the average consumption of corn of each individual; whether he would prefer this shilling reduction per annum, or whether he would not rather, for his own benefit and advantage, prefer to pay the shilling more for his wheat, in order to retain the advantage of better wages and constant employment. This part of the subject was naturally connected with another, which, however, nothing that had fallen from the noble and learned Lord should induce him to mix up with the present discussion—namely, the new Poor-law, the consideration of which, as well as many other points, he should reserve till this subject came regularly before the House. The noble and learned Lord had talked much about the great increase of foreign manufactures. He was quite aware, that in many branches, and in some, too, which had not been mentioned by the noble and learned Lord, considerable manufactures had sprung up abroad, but did the noble and learned Lord suppose that even if the Legislature did lower the price of corn one shilling a quarter, this would enable our manufacturers to compete in all cases with those of foreign countries?

Lord *Brougham* begged to say he had not stated one shilling a quarter to be the reduction contemplated. He had put it hypothetically, and entirely for the sake of argument, "Suppose the reduction were 7*s*., or 5*s*., or even 1*s*., or even nothing at all." But he had not mentioned either 1*s*., or nothing at all, as the amount of the benefit he contemplated.

Earl *Stanhope* resumed: The noble and learned Lord would admit, that even though he did speak hypothetically, he had represented one shilling in the quarter as a great benefit to the people. Now he would contend, that in order to attain the object which the manufacturers professed to have in view, to enable them to undersell the foreigner in his own market, the scale of prices and of wages must be reduced to the level of those on the continent; and he would contend further, that even if the scale were so equalised, our manufacturers would not succeed in underselling their foreign competitors in their own markets, and for this sufficient reason among others, in which he would retort the noble and learned Lord's argument upon himself:—Did the noble and learned Lord suppose, after all he had said of the great increase of manufactures in foreign countries, that the Governments of those countries would, in mere compliment to the political economy of Great Britain, or to gratify that inordinate grasping after gain which distinguished the manufacturers of this country—did he imagine they would allow that importation to take place into their states from Great Britain which would crush and extinguish their own manufactures? The noble and learned Lord had, most ingeniously and judiciously for his own purpose, sought to keep altogether from the view of their Lordships—had entirely abstained from any suggestions as to the *modus operandi* by which his object was to be attained; and in this the noble and learned Lord had acted wisely, for difficult, indeed, would it have been for him to point out any legislative enactment which could accomplish it. The noble and learned Lord had spoken as though the English manufacturers had a patent, a sort of exclusive right and privilege, to manufacture, not only for these islands and their extensive and populous colonies, but for the whole habitable globe, as though, even had foreign governments the impolicy, the insanity, to admit such a preposterous assumption, the subjects of these powers would have the baseness to submit to it. He was willing to grant any toleration for every variety of opinion when it was conscientiously entertained, and moderately expressed; but no words could express his abhorrence when he heard the false statements that had been put forward to the labouring classes on the subject of the Corn-laws, and which he knew in many districts were now suffering the most severe privations. The object was, to misrepresent the end in view, and to effect the abolition of Corn-laws; they were told, that it would only lower rent, and enable the labouring classes to procure and consume a greater quantity of agricultural produce. He did not think, that any credit was due to any persons who could put forward such an opinion, knowing full well that it was fallacious; but he was willing to bestow some degree of commendation on a person who, at some meeting against the Corn-laws, boldly asserted, in defence of his opinion, that without the repeal of the Corn-laws, they never should be able to beat down the wages of labour sufficiently to enable them to compete with foreigners. This was the kind of measure that these persons had in view, and their ultimate object could only be obtained by means such as now proposed. They were told, that the manufacturers found it every day more and more difficult to compete with foreigners, but much of the evil was attributable to themselves; for he would on another occasion prove to the House from official documents, that from the end of the year 1834, to the end of August last year, a period of little more than three years and a half, there had been an increase in the machinery and cotton trade alone to the amount of fifty-three per cent. This obviously caused a factitious increase of produce, But what remedy did they propose, and in what way did they propose to benefit themselves? It was perfectly obvious, that they proposed to relieve themselves by an unscrupulous reduction of the wages of labour. By this means it was supposed that the profits of manufacturers would be increased. If this were so, what would be the result? Why, the manufactures of this country would be subjected in foreign markets to a higher duty than they bore at present. Therefore there would be little or no benefit to them. It would be tedious to follow the misstatements—unintentional, no doubt—of the noble and learned Lord as to the price of corn in foreign parts, and the price at various periods in the home market. The noble and learned Lord had alluded to a period when the price of corn was 35*s*. or 36*s*. a quarter; but if he would refer to official returns, he would find that a century before the period alluded to, namely in 1736, the average price of wheat was one shilling more. He would also find, that during the reigns of Queen Anne, Charles the 2nd, a part of the reign of Charles the 1st, and the end of James the 1st's reign, the average price of corn was not much lower than at present; and though rents had increased, the average price of corn had not increased. But what were the practical results which the noble and learned Lord wished them to arrive at on any one of his categories? There were a great many other and important considerations on the subject, which he should have gone into, but which the noble and learned Lord had entirely overlooked. He had overlooked entirely the effect that would be produced on the labouring classes by the abolition of the Corn-laws. He might be asked, if there was a reduction in the price of corn, and a corresponding reduction in the wages of labour, what difference could it make to them, and what evil would result? But he would ask what good would it do them, and how then could it be said, that the labouring classes would be benefited? The noble and learned Lord said, that he did not choose to rest his argument on the advantage to the labouring classes; but what would become of the large body of the labouring classes, that would be thrown out of work in the agricultural districts? They would be exposed to all the horrors of distress and famine which they were not exposed to now. But there were other fundamental points that had been left out of consideration. Had the noble and learned Lord dwelt on any of the effects, that would be produced by a repeal of the Corn-laws on the state of Ireland? Pass this measure and the great agitator might cease altogether from his pursuits; he might dissolve the Precursor Society and his other associations, and remain comparatively inactive, for the effect of the measure which was now proposed for the benefit of the manufacturers would lead to a revolution in that country. Before he sat down he must say, that he was extremely disgusted at the attempts that had been made to reduce the constitutional authority of that House, which he should always be most zealous to assert. But if he did not allow the House of Commons as at present constituted had any right, he did not mean constitutional right, or any peculiar right — to maintain any peculiar judgment on this question—but if that House which called itself—but as now existing, falsely called itself, the sole representatives of the people—if that House passed any measure which would have the effect of reducing the wages of the labouring classes, and the labouring classes were not represented in that House—he was sure that if an application were made to the House of Lords to agree to that measure, they would never be induced to do so. He could not see what advantage would result from examining evidence at the bar, as to the truth or falsehood of the abstract propositions involved in this subject. It certainly would not lead to any practical result, which could be beneficial to the manufacturing classes, and at the same time it would unsettle the minds of the agricultural interests of this country, and would make all classes discontented with the existing state of things. When the ulterior proposition came from the noble and learned Lord, or from one of his noble Friends, he should be prepared to state his opinion on it, and would undertake to show, that the change proposed must have an injurious effect on all classes of the community.

The Duke of *Richmond* would not trouble the House with more than a very few observations. His noble and learned Friend had called upon them to hear evidence at the bar, as if this was a new subject, and one on which they had never heard any evidence before. If such had been the case, he could have understood the proposition of the noble and learned Lord; but he had been too long in Parliament not to know, that by hearing evidence, they would be holding out to the country an expectation that they intended to repeal these laws, or at least that they doubted the expediency of continuing the Corn-laws. He would not be a party to such a delusion, and he therefore would at once move the direct negative to the motion of the noble and learned Lord. The noble Lord had eloquently endeavoured to show them, that the interests and well-being of the agricultural interests was mixed up with those of the manufacturers. This he did not for a moment deny. The noble Lord also told the House of the loss that the manufacturers sustained in foreign markets; and that, notwithstanding all the improvements that had been made in machinery in this country, and the improvements in manufactures, foreigners were enabled to produce articles at a cheaper price than the people of this country; and that, therefore, our foreign trade was declining; but, in the first place, this was accounted for by the Legislature having allowed the exportation of the raw material; and, secondly, because foreign countries were now at peace and enabled to attend to manufacturing industry. But the noble and learned Lord said nothing as to the effect of the repeal of the Corn-laws, on that most important, and indeed the best portion of the present consumers of English manufactures—he meant the home market. Again, if they succeeded in reducing the rate of wages of labour, all experience showed, that it would be to a much greater extent than the reduction in the price of corn. He asked, if the labourers got five shillings a-week less than at present, and could get their corn five shillings cheaper, what difference could it be to them? But if this were the case, the condition of the labouring classes, instead of being better, would be much worse than at present; as they would not get their clothes or other articles cheaper. The noble and learned Lord went further, and said, that it was for the interest of the agriculturists that they should repeal the Corn-laws, and that he did not think, that it would much lessen the price of bread. But was this said out of doors? Was it likely that they would be able to induce the labourers or the working men to sign the petitions for the total abolition of the Corn-laws, or indeed any classes but the mill-owners, if they were not told that the price of bread would be cheaper? For his own part, he believed, that the repeal of the Corn-laws would be attended with this result, that in many parts of the country a great portion of the land would go out of cultivation. If they repealed these laws, it would be impossible to collect the greater portion of the taxes that were paid now. Who paid the malt-tax, the land-tax, and many other taxes that he could name? Could it be denied, that they fell almost solely on the agricultural interest? and what other class in the community would submit to be taxed in this way? If, then, they repealed the Corn-laws, they must take off those burthens that now press on the agriculturists, so as to enable them to compete with foreigners. He repeated, that he knew many thousand acres that would be thrown out of cultivation if this measure passed; and if, under these circumstances, a year of dearth should happen, it would be a famine indeed, for he did not suppose they would compel the agriculturist to continue to cultivate the ground at a continued loss. He was surprised to hear, that the manufacturing interest was at such a low ebb. If such were so, he should like to know how so much money was procured for so many railroads through all parts of the country, and when new docks were being made at Liverpool, and other places, and which were crowded with ships as soon as they could be got ready to receive them. When he observed this state of things, he could not believe that the manufacturing interest was at such a low ebb as some Gentlemen wished to make them believe. Under all the circumstances of the case, and knowing also how very unpopular a course it was to meet a motion by a direct negative, still he felt it to be his duty to the farmers of the country, and, above all, to the labouring classes, many thousands of whom would be thrown out of employ, if they repealed the Corn-laws, to meet the motion with a direct negative.

Viscount *Melbourne:* The noble and learned Lord has stated at the conclusion of his speech that it is his intention to submit a series of eight resolutions to the House, upon which a noble Friend of his hereafter intends to bring forward a motion. This is a most constitutional and a most parliamentary mode of proceeding—it is exactly the mode of proceeding that the noble and learned Lord ought to adopt. My wonder is, that the noble and learned Lord has adopted the present mode of proceeding in the first instance. I cannot help thinking, although the noble and learned Lord has delivered a speech of great power and eloquence, that he has brought forward this subject more in compliance with the wishes of others than in accordance with the suggestions of his own mind. The noble Lord is not convinced that it is absolutely necessary that we should go int this inquiry. The noble and learned Lord has made a very powerful appeal to your Lordships, at the same time I must say that, in the course of his speech, and more particularly at its commencement, he laboured a little. He did not speak with that spirit with which I have frequently heard him address your Lordships, when he had his own good sense as his advocate and assistant. The noble and learned Lord laboured under the disadvantage of his own accuracy, and his own certainty, and his own knowledge of the subject being arrayed against him. Because the more clear the facts he stated, the more certain the propositions he had laid down, the more obvious his reasonings and the more decided his facts, the less ground is there for the inquiry he has proposed, and the less necessity has he proved for proceeding in the course which he has recommended. My Lords, I entirely agree with the noble and learned Lord, that I am sure this House would not decide on a question of this great importance—a question of such material and vital interest to all classes in this country and this community—a question in which such deep and general interest is felt, and which so materially affects them without full consideration, without a full hearing of all parties on the subject, and without a full consideration of all the arguments which can be adduced in order to influence your Lordships' determination. But then we are to hear them in the manner which may be best for the subject and for the petitioners themselves. Let us not throw in the way of that great and important question useless embarrassment and impediments by this inquiry at your Lordships' bar; for I declare, if I wished in any manner to defer or postpone the measure — if I wished to cast delay on and avoid a parliamentary discussion of the question — if I wished to perplex and puzzle it — if I wished to endeavour to embarrass it in an inextricable maze of conflicting facts and opinions, I don't know a better mode by which it could possibly be done than having this inquiry at the bar of your Lordships' House. What is that which the noble Lord has stated which we are to inquire into? What is there in the way of fact that is not either perfectly obvious, or that is not in itself so difficult of proof, that it is impossible to be ascertained? Is it not evident that we should be hereby involved in a mass of inquiry without aid or determination. The noble Lord says, we must engage in the inquiry unless we are prepared to admit, that all which has been stated is either obviously true or false, or perfectly immaterial. Is it because nothing has been stated which is immaterial—is it because nothing which has been stated is obviously false, but that much has been stated which is obviously true, and because a difference of opinion exists upon this subject, that we are to go into this inquiry? The question of these laws is not a new one—as the noble Duke says, they have been long sufficiently investigated and inquired into—it is not a new subject, but the whole question as to their operation, influence, and the conclusions to be drawn from their effects, are known to your Lordships, and can be as well decided upon by yourselves as by hearing all the evidence that the noble and learned Lord proposes to have presented at your Lordships' bar. That would substitute inquiry for decision just at the moment we are ripe for the consideration of this subject in any way the noble and learned Lord may think proper to bring it forward. The result, then, of agreeing to the present motion will only be the delaying and impeding the business of the House, and leading them into imterminable disputes and inquiries involving a vast variety of subjects. In point of fact, the agreeing to this motion will be nothing more nor less than going into an inquiry of the whole House into the state of the nation, for it could not be confined to one subject, but the House must necessarily go into an investigation of the state of the commerce, the manufactures, and the agriculture of the country, and it would also involve them in many political inquiries. For, if evidence be produced on one side, we shall be obliged to hear evidence on the other side; and we shall thus be led into an inquiry which can be productive of no good, and which must produce a great waste of time, which would give no satisfaction to the country. Therefore, if the House do not consent to go into the inquiry this night, it will not be thought that it arises from any indisposition to hear evidence, or from a desire to avoid the subject, but from an intimate conviction, that the present motion has mistakenly been recommended, and that the object which the promoters of this motion desire may be better obtained in another manner than that proposed, and therefore I for one shall resist the proposition of hearing evidence at the bar of the House. I do not mean on the present occasion to go into the general argument of the Corn-laws. I have already stated it to be my opinion, that it is not so much new facts that we require as inferences from the facts that we now have, which we could consider and determine on without having any further evidence. Upon the general question, it is not my intention to go into any argument on the present occasion. The noble Lord has mentioned a great many facts, but the whole of his speech consisted not so much of the statement of the facts to be inquired into, as it did in inferences from those facts and opinions to be derived from them —opinions which your Lordships can here consider and determine upon without any further evidence. Undoubtedly, the noble Lord urged a great many statements very forcibly. I do not agree with many of the opinions he has professed on this occasion. At the same time in a great deal of what the noble Lord has said, no one can but concur. The noble Lord adverted among other things to the tampering with the currency, which he says, has been the cause of many evils to this country, and which he says, took place during the great revolutionary war, in which this country was engaged in the course of the last century. Unquestionably, that tampering with, and depreciating of, that currency was of great consequence. But when that is talked of, we must recollect, that no country furnishes any history, of any example, of going through such changes without experiencing something of that nature. The noble Lord said, the return to the metallic standard was made with too much haste and too much violence; I remember the predictions very well, but I thought it right then, and still think it right, to have acceded to that measure. My Lords, my experience at that time has made me a little shy as to such experiments, and I know not the effect of the measure which the noble and learned Lord proposes, and I shall be very cautious before I take another such leap in the dark, utterly ignorant of what I am doing. The noble and learned Lord, towards the end of his speech, made some very wise and prudent observations, and which he himself adhered to through the course of his speech, which, indeed, was characterised throughout by great temper and moderation and judgment—I mean the observations in which he alluded to the impropriety of drawing comparisons and distinctions between one class of the community and another. But the noble and learned Lord, after making these observations, was pleased to make some allusions to a noble Friend of mine, in which he stated, that the opinion that my noble Friend formerly expressed was different from that that he now held with respect to the Corn-laws, and that my noble Friend had also made some allegations as to the superiority of the agricultural classes over the manufacturing population, as regarded their morality. Considering the variety of opinions that have been expressed on the subject of the Corn-laws—the many changes of opinion that have taken place among the most eminent men on this subject—I think that it is no disgrace to my noble Friend, if the variety of facts, and observations, and arguments that have been adduced on this subject within the last few years, should have produced a different effect on his mind, and have led to some change in the opinion he formerly entertained. With respect to the greater respectability and moral superiority of the agricultural population over the inhabitants of manufacturing towns, I will only observe, that this was the opinion of Adam Smith, and therefore it was no disgrace on the part of my noble Friend to have said so, or have committed this fault, if fault it were. The noble and learned Lord has, no doubt, drawn a very splendid picture, with all that eloquence, and with all that great power that he possesses, of the rise of prosperity of this country in 1771, and its progress which has now brought us to the present acme. Now, I believe that the Corn-laws were passed about that period.

Lord *Brougham:* The present act was not passed until many years afterwards.

Viscount *Melbourne*: But an act of the same character, and founded on the same principle, was passed about the period I allude to. That act gave protection to the home-grower of corn, and that was the period from which the rising prosperity of the country dates. I do not argue, however, that the system of Corn-laws was the cause of the prosperity of the country, but I think, that it did not very seriously impede or prevent that prosperity. With respect to the extent to which foreign corn could be supplied, or what were the prices at which it could be imported here, these were questions which could only be decided by experience, and all inquiries on the subject would only leave us just where we were. This was also the case with regard to the questions as to the rich lands in Pomerania, Volhynia and the Ukraine, and as to whether or not these were situated in impenetrable forests through which there were no roads, the evidence could not be of a very satisfactory nature, or of a character on which they could very much rely. Allusions had been made to the state of foreign manufactures; no doubt they had greatly advanced, and the prosperity of many had much increased during the long period of peace; many of them, however, formerly existed in a most thriving condition, and in many instances, also, the continental manufacturers possessed advantages for carrying on their operations not inferior to those possessed by the manufacturers of this country. Whether in many instances the continental manufacturers had been raised and been enabled to carry on their trade by the help of the Corn-laws of this country, they had no facts within their grasp at present by which they could arrive at a satisfactory conclusion. I admit, as I did on a former occasion, that the state of our Corn-laws and of our timber laws materially affects us in our negotiations with foreign nations, whenever questions of reciprocity are the subject of them. Their effect is an answer we are met with on all such occasions. But this by no means proves—on the contrary, I very much doubt the fact—that our Corn-laws have been the means of raising up the manufactures of foreign nations. Still less is it proved, or established as a consequence, that if we repeal our Corn-laws the effect will be to throw down the manufacturing system that has been by some means or other raised up abroad. Such a result would be more than ever doubtful and incapable of proof if a repeal of those laws were conceded to the mere feelings and wishes of the people, instead of proceeding from a deliberate conviction of their partial and repressive operation on trade. My Lords, I had not intended to say so much. I had intended to confine myself to the mere question of whether or not evidence should be heard at your Lordships' bar on this question—a course which I think useless, prejudicial, and disadvantageous to the objects of even the promoters of the opposition to the Corn-laws. While I was, a short time since, absent from the House, I understand, that the noble Duke (the Duke of Buckingham) declared, that the agricultural interest could not have much confidence in a Government which declined to take up a question of such importance as this. The noble and learned Lord also, on a recent occasion, indulged in some severe strictures and animadversions upon what he declared to be the impropriety of Government avowing a division of opinion in the Cabinet on great questions, making them in fact what are called open questions. I would advise the noble and learned Lord not to adopt this doctrine too hastily, as it would go to condemn much that has passed, and to render many future operations difficult, and many great questions utterly impracticable. I know, that all the argument goes on one side of this question. I know it is a question on which much eloquence may be expended, also on one side; but, my Lords, it is a question as to which all the practical sense, all the utility is on the other side. I know there is much in what the noble Lord said as to governments not making up their minds on questions of public right—that it is a vile thing to sacrifice great principles to the mere keeping a government together. I should have thought, however, that the noble and learned Lord's experience would have taught him, that to keep the Government together is very necessary, though at some times not very easy. Some years ago I should not have been surprised at this declaration of principle on the part of the noble and learned Lord, but knowing, that the noble and learned Lord has been since then a Cabinet Minister, I confess I am surprised, that he should express himself so adverse to keeping a Government in office by a partial sacrifice of opinion on the part of some or all of its Members. When we recollect, too, that Lord Liverpool's Government, a Government which lasted from 1812 to 1827, which conducted the country to the end of the greatest war in which she ever was engaged, and also through the unparalleled difficulties of the peace that followed—a Government which, on the very measure that was during those years most the object of the national attention and most in dispute, and which therefore most demanded the attention of the Government as a Government—I think, that the noble and learned Lord is a little too premature in his declaration—that all open questions are discreditable, always prejudicial, and always to be avoided. The noble and learned Lord said, he had always viewed such things with disgust; but I was engaged for many years with the noble and learned Lord on a great question, one on which the same division occurred in the opinions of the Ministers, yet on those occasions I never heard any expression of disgust whatsoever fall from the noble Lord. I remember, we were always very glad to have the support of those who agreed with us, and that we were always very much offended with those who were against us; but I do not remember, that we ever thought it necessary to express, or that we entertained, any disgust as to the practice he alludes to. My Lords, I do say, considering the difference of opinion that exists on this question — considering the manner in which it affects various great interests, that it is one of those which, in my opinion, may as well be left for the impartial and unbiassed decision of Parliament, as any other that can possibly be conceived. I have nothing further to say, my Lords, on the present motion. On the general question I trust your Lordships will think it unnecessary for me to enter.

The Duke of *Wellington* hoped, that the utmost attention would be paid by their Lordships to the exhortation with which the noble and learned Lord commenced his speech—to the arguments which had been advanced in the course of the debate, and that they would do everything in their power to come to such a decision as might be most consistent, not with the interests of one class or of another class, but with the interests of the community at large. The noble and learned Lord, in addressing their Lordships upon this subject, certainly appeared to him, as he had also appeared to the noble Viscount, to have particularly avoided that part of the subject which related to the proper and technical question before their Lordships—namely, the mode of inquiry which he proposed to the House to adopt. That mode of inquiry he believed to be entirely without precedent. He did not believe, that there was an instance to be found of a committee of the whole House being moved for to receive petitions and to take them into consideration by the examination of witnesses at the Bar of their Lordships' House. He did not think there was a single instance upon record of such a proceeding, and positively convinced he was, that the present was a case in which, above all others, they should refuse to establish such a precedent. A precedent they had, certainly, in the other House of Parliament; but he thought he should be able to show to their Lordships, that they would be wrong in following it. He would here observe, that he quite agreed with the noble Duke who had spoken from the cross Bench, when he said, that they ought not to consent to the proposed inquiry solely on the ground that they should not encourage the notion, that they intended to make any concessions upon the main question when brought fairly under their consideration. The noble and learned Lord had gone no further on the subject of inquiry than to state with what view that inquiry was to be directed. He was prepared, he said, to prove such and such points, by the examination of witnesses at the Bar of their Lordships' House, in case their Lordships consented to receive evidence on the subject; but the noble and learned Lord had not said one word to show that such would be a proper course for their Lordships to adopt. The precedent to which he referred, in the other House of Parliament, arose upon a petition respecting a great public question, upon which petition an inquiry was had by a Committee of the whole House. The result of that petition had been held out to the public as an inducement to urge the adoption of a similar mode of inquiry upon this question. He was quite certain, however, that the noble and learned Lord did not intend that a similar mode of proceeding should be adopted in that House with the view of producing the same ends. He felt so the more particularly when he referred to a history of that transaction, which had been recently published, showing the mode and object of the proceeding —an object which he believed would be found to be the object of those persons out of doors who now insisted upon a similar mode of inquiry. By that history, of which he held an extract in his hand, the noble Viscount would perceive that he was wrong in supposing that delay would be the consequence; that, on the contrary, the inquiry would be accelerated as much as possible by the adoption of such a course, and that the results would be rendered quite certain by clamour rather than by calm and fair investigation even in that House. He would read what the history to which he alluded said upon the subject, and from which their Lordships would at once see how impossible it would be to adopt such a mode of inquiry, more particularly upon a subject of such great importance, and in which such vital interests were involved. It stated, "that on the 20th of April, 1812, the House agreed without a division to hear evidence in support of the petition; that the inquiry on the side of the petitioners was wholly conducted by two Members; that each night presented new operations, new defeats to the orders in council, new advantages from the Opposition by incidental debates on petitions presented, by discussions arising on the evidence tendered, and by other matters broached occasionally in connexion with the main subject; that the Government at first conceiving and hoping, that the clamour raised out of doors against their policy would subside, endeavoured to gain time and put off the hearing of the evidence; but that the party anxious for inquiry kept steadily to their purpose, and insisted upon calling in witnesses at the earliest possible hour; that they at length prevailed so far as to have it understood, that the hearing of evidence should proceed daily, at half-past four o'clock, and continue at least until ten, by which means they generally kept it on foot till a much later hour, all but those who took a particular interest in the proceedings having previously left the House." In that case they had to do with the orders in Council and an act of the Government; but here they had to deal with an Act of Parliament. Possibly that might have been a regular proceeding where it took place; but in their Lordships' House it certainly would not be so, for there was no precedent to sanction it. He likewise contended, contrary to the opinion of the noble Viscount, that such a proceeding would be one, not of delay, but one of celerity and force. He, however, entreated their Lordships not to lose time upon this question; he entreated them to consider it upon each and all of the grounds stated by the noble and learned Lord, and to come as speedily as possible to such a decision as would, according to the best of their judgments, be consistent with the public interest at large. He had always regarded it as one of the most important questions that could come under their Lordships' consideration. The origin of the existing Corn-laws might be traced, as was stated by the noble Viscount opposite, to so distant a period as 1773; but the object of those laws most undoubtedly was, as enacted in the year 1804, to give protection to the agricultural interests of the country. Our agriculture, therefore, had enjoyed that protection for the last thirty-five years—a fact which was alone a sufficient reason for proceeding with great caution to make any alterations which could interfere with interests which extended over such a vast portion of the country, and which, it might indeed be said, affected all classes of her Majesty's subjects. Many persons no doubt, were of opinion, that an alteration should be made from a shifting duty, as it was called, to a permanent duty. But let it be recollected that, the reduction of that permanent duty, even a trifle too much might involve the country in the utmost difficulty by rendering the cultivation of the soil impossible, and thereby ruining a vast class of industrious and, at present, happy people. If, by any misfortune, they were to make such a mistake, it was impossible to say what might be the extent of the alteration, nay of the revolution of property which would follow. It was very easy to calculate, as the noble and learned Lord had done, the consequence to the consumer of the loss of 7*s.* or 5*s.* or of 1*s.* upon the price of a quarter of wheat; but if the noble and learned Lord would look to what had taken place between the year 1814 and year 1822, and from that year down to the year 1828 when this Bill was passed, he would find that a very small importation of corn into this country had, at different times, produced very extensive distress amongst the agricultural interests; that that importation sometimes occasioned by a rise of price, at other times by the interference of Government and again by other circumstances, had so affected those interests, that Parliament was at length obliged to adopt the principle upon which the existing law was founded. He firmly believed, that they could not change that law without incurring the risk of imposing upon the agriculture of the country the greatest possible innovation, the inevitable consequence of which would be distress, if not absolute ruin, from an extensive revolution of property. The law was originally established to give protection to agriculture, and without that protection it could not be prosperous. The noble and learned Lord had taken great pains to prove, that the law had not ensured a uniformity of price. He confessed that he could not see how a uniformity of price was to be ensured in any country, upon a commodity, the price of which must necessarily vary with the produce. In this country the produce varied in price, sometimes to double the amount. It was quite impossible to provide against a fall in price when there was an increase of produce. The noble and learned Lord said he would pick out particular days of particular years at which the price of corn had been enormously high; but if he were to view that part of the subject upon a wider basis, from the passing of the present law, for instance, to the year 1835, he would find that the fluctuations, except in the last year, had been very trifling indeed. Taking the average price of the year 1828, he would find that it was 64*s.* 6*d.*; of 1829, 67*s.* 6*d.*; of 1830, 66*s.* 10*d.*; of 1831, 72*s.*; of 1832, 61*s.* 2*d.*; of 1833, 66*s.* 5*d.*; of 1834, 54*s.* 9*d.*; and of 1835, 42*s.* 3*d.* the average of those ten years being 56*s.* 4*d.* He therefore said, that the present law had brought the price as nearly as it was possible to a steady mark. The noble and learned Lord had made an assertion which appeared to him, from the papers he held in his hand, and to which he would call the attention of their Lordships, rather extraordinary. The noble and learned Lord had said that one of the consequences of the present law was to destroy the trade. Now, he begged to inform the noble and learned Lord, that in the twenty years which elapsed from the year 1815 to 1835, there were imported from foreign countries into Great Britain, under the different laws, 8,428,589 quarters of wheat, making an average of 401,361 quarters a year. The importation even upon the average was very considerable; but in years of scarcity it was enormous. In 1829, for instance, it amounted to 1,000,029 quarters; in 1830, to 1,000,493 quarters; and in 1831, to 1,000,034 quarters. Talk of the destruction of trade having been effected by the measure in question, another interesting result appeared f om this paper. Not only was the measure proved to be beneficial in respect of the trade in corn, but it was also shown to have operated very advantageously with regard to the trade in corn with Ireland. It appeared that from 1815 to 1835, a period of twenty years, 6,585,242 quarters were imported into this country from Ireland, being an average of 313,518 annually. This average had been increased in latter years. In 1830 the quantity thus imported was 515,888 quarters; in 1831, 552,740 quarters. The Act, therefore appeared to have effected all the purposes for which it was framed, increasing not only the trade in corn, but increasing its growth in Ireland. Besides this quantity of wheat, there was 394,695 cwt. of foreign flour imported, while there was not less than 6,394,065 cwt. imported from Ireland; so that the measure appeared to have increased rather than repressed the trade in wheat. He would now proceed to make an observation on the complaints which had been made by the noble Lord with respect to the misfortune of the merchant to whom he had alluded as having imported a large quantity of wheat which, in consequence of the fall in the market, and the consequent rise in the duty, he was obliged to place in bond, where the expense of keeping it ultimately exceeded its value. According to the noble Lord's own statement, the merchant brought the corn to this country at an expense, including freight and insurance, of 42*s.* per quarter. [Lord *Brougham*—47*s.*] The cost of the grain per quarter on its arrival in port was 47*s.* and the merchant expected to get at least 72*s.* for it, the duty, at the period of his effecting the purchase, being only 1*s.* a quarter. Now, that was a tolerably good speculation. The Gentleman would have made the difference between 47*s.* and 72*s.* had the speculation succeeded. The speculation, however, did not answer; the price fell and the duty rose. Most probably the price had fallen in the same way as it had done during the last few weeks; and if so he might have sold at a very moderate loss.

Lord *Brougham.* The fact was this, that the ports were shut by the price having fallen, while the grain was on the seas, and upon its reaching port it became liable to a duty of 22*s.* 8*d.* per quarter.

The Duke of *Wellington.* Then it must have been a very long time on the passage. No doubt, the merchant would, according to the statement of the noble and learned Lord, have incurred a loss; but he certainly did intend to make a good thing of it, and under the circumstances it was not at all unreasonable, that he should be expected to submit to the loss in which his speculation ended. The question should be taken into consideration on general grounds and with a view to the benefit of all classes in the community, not of particular interests. It was impossible, that this great change could take place without a repeal of many of those charges (as had been remarked by the noble Duke on the cross bench) which the landed interests were now groaning under. He was of opinion, that the agricultural prosperity of a great country like this should be carefully fostered; and he must honestly recommend to their Lordships not to withdraw from it their warm encouragement. Let them never forget, that in the course of the last thirty-five years, during which the agricultural interests of this country had met with that encouragement, not only had they brought that great war to which the noble Viscount had referred to its termination, but had found their way out of the greatest misfortune which, he thought, had occurred during that war—he alluded to the alteration in the currency. They had paid off (by paying off the interest) 100,000,000*l.* of debt, and they had reduced the taxes to an enormous amount—he was afraid to say how much; and they had only to persevere as they had done in that course, by which they would eventually find themselves extricated from the difficulties of the moment by which they might be surrounded.

Lord *Brougham* thought it necessary to correct one or two very great mistakes which had been fallen into by some of the noble Lords that had addressed their Lordships. Their Lordships seemed as if they did not wish to hear the reply, but they must and should hear it, whether they liked it or not. That was nothing to the House of Commons. He was glad to hear the noble Duke's statement as to the felicitous situation in which this country was placed after a war of unprecedented extent. The noble Duke had talked about having off a hundred millions of the debt. There could be no doubt, that the taking off the interest relieved the burthens of the people, but they could not take credit for paying off so large an amount. The noble Duke had also talked about the reduction of taxation. It was true, that a very great amount of taxes had been taken off, and during the time that the noble Duke was in power and those with with whom he was associated, the Ministers had taken off some millions in the income tax alone. The noble Viscount at the head of her Majesty's Government had stated, that he had a bad case because he was so dull in his statements. It would have been very extraordinary for him to have been otherwise. The noble Viscount said, he did not argue the cause with the warmth with which he usually did any case that he took an interest in. Now he must tell that noble Viscount that he was extremely mistaken if he thought there was any want of argument on his part from a disinclination to enter upon the subject. If his argument were dull, it was from the nature of the subject upon which he was arguing. It was an exceedingly dull subject, and one that was extremely difficult, and required a great deal of statement and facts, which were of themselves dull in their nature. He saw that their Lordships were not over-willing to hear him, and that he had rather an ungrateful task to perform; but that task, however ungrateful, he was determined to accomplish. If he had not taken the lively views one noble Lord had taken, not so humorous, not so droll, but as comfortable to himself, as easy to himself, for nothing was easier in dealing with a subject than to pass it over on one side—and it was easy in proportion as it would be difficult to discuss it, and it was just as natural in proportion as their Lordships felt not very able to deal with it, and these things altogether tended to get the noble Lord out of the difficulty, instead of enabling him to put an end to it. Now, as to what the noble Duke had addressed to himself, his noble Friend and the noble Viscount above all had most egregiously misunderstood his statements, when they said he did not apply himself to the matter which he was bringing before the House, namely, whether evidence should be heard. He really thought he had *usque ad nauseam,* said, that he offered to prove his case by evidence. That was the whole burden of his song. How could any person argue in favour of receiving evidence more strongly than by saying here are important facts which bear on the question, which are material to the question, which go to decide the question—they are not impossible of proof—you admit the materiality of them, you admit the truth but won't allow me to prove the truth. That was the most complete *non sequitur* he ever heard. But, said his noble Friend, we all agree, more or less, as to the facts, but not as to the conclusions. But the noble Duke, and the noble Viscount, at another part of his speech, when he had forgotten the first part—every one of their Lordships indeed, denied the facts on which he relied. There was a no less difference than this. He said, they could not import wheat from Dantzig under 46*s.* or 47*s.* Now that was very important. His noble Friend opposite said, that he was ready to prove that not to be the case. He was ready to prove that he was right. Now, said the noble Viscount behind him (Lord Melbourne), you are at issue upon an important fact decisive of the question. And what was the conclusion to which the noble Viscount vaulted in his buoyant manner? Why, that they should not be allowed to examine witnesses on one side or the other, but make the "aye" of one side pair off with the "no" of the other. Now his statement was made from the average of fifty years at Dantzic, and his witnesses were ready to prove, that on that average, wheat could not be bought at Dantzic for less than 36*s*., nor be brought here for less than 10*s*. The noble Duke said, that it would not do to hear evidence at the bar, that it was not customary for that House. He never heard it denied that the House was competent to call evidence before it to satisfy itself upon any subject. The noble Duke said, and their Lordships were excessively merry, and he was sorry that he had interrupted their pleasantry, that it was neither more nor less than a gambling traffic, and that a person wanted to make 40 per cent. profit, whereas in a wholesome trade they would be satisfied with a moderate profit. Then the noble Duke said, it must have been a very long voyage, otherwise the transaction could not have happened; and then their Lordships were delighted. It was a voyage of ten days, and as the average was taken every week, one week was enough to make the price come down. If they doubted these facts, he was ready with evidence to prove them at the bar of the House. The noble Viscount said, that two lines had been taken, and that it was very difficult to steer between them. The noble Viscount wished to hear the whole matter fairly, but he feared its lasting too long, and interrupting the business of the House. What business? What House? Were they in the House of Commons? Why, they had no business here, but the business of going to their dinners, for he never saw any business done in this House until the last week of the Session. Then the noble Viscount came to what he called the delicate part of the question. The noble Viscount said, that he was surprised that he had lost all recollection of the use of open questions, and the difficulty of keeping together a Government; and upon that he was very merry, and their Lordships joined him in his pleasantry. He did not remember any particular difficulties to which the noble Viscount had alluded, and which had made him so merry. The noble Viscount said, that he knew what difficulties there were. Now he proposed that he did not, that he had not, the remotest guess—he could not fancy or divine what it was; but then he knew, that his noble Friend on the bench opposite, was most correct in stating, upon a late occasion, there was no open question made of the Corn-laws, for he never heard it said, until it was repeated elsewhere, that the Corn-laws had been made an open question. He felt it disagreeable not to take the part which he wished to take, and complained to one or two of his colleagues, for his opinions had been very strong on the subject. Not one word did he say precisely, because he thought it was not an open question. He never knew, to this hour, that it was an open question. He could not tax his memory with any such thing as an open question. He denied, that there was any. It was indeed possible—indeed they had seen the practice—that one Minister might be at one side of an open question, and another at the other, and yet that both should keep together. The noble Viscount had said a good deal about the difficulty of keeping Governments together. Now, since he had ceased to be connected with Governments, he had seen much more of its difficulty. There were various acts and schemes for keeping a Government together. One way was to turn out one Member to keep the rest in; he believed that had recently been practised in a certain Cabinet, which he should not name. Another plan was, for all the Members to cling together like the bundle of the rods in the fable, that the weakness of one might be helped by the strength of the others. All these systems he had learned since he had ceased to be connected with a Government, and the result of his observation had induced him rather to envy the twig that had left the bundle than any one of those that were linked in connexion. He admitted, that much had been done by the Government upon the reservation of open questions. He agreed with the noble Government, that there was a great excuse in respect of the Catholic question, for here the great object was to carry the war to a successful termination. Still, if this question had been brought to a crisis in 1814 or 1816, and had been settled one way or another, he thought it would have been infinitely better for the question itself and for the people of England, and for the country in general. In speaking on one point the noble Lord looked exceedingly sly—indeed he (Lord Brougham) had never seen him look so sly—he had looked unutterable things; but his words, after all, were but blunted tools, when the sweetness of his countenance was regarded. He must repeat, that the conduct of the Government of the day, in leaving the Catholic question an open one, was most disgraceful, although he was nevertheless most grateful for the support he had received from one part of the Government, as it was better to have half with him than the whole against him. Still he then severely censured the practice of one member of a ministry voting black what a colleague voted white—of one rising up in his place to contradict the arguments which another had advanced. It would have been much more honest—more manly and more becoming for them to have acted all upon one side. He (Lord Brougham) thought after this statement, it would be admitted that all the pleasantry which his noble Friend had indulged in at his expense, ought to have been paid for out of some other persons pockets. Nothing could be more delusive than the statement of the noble Viscount that he had asserted that the repeal of the Corn-laws would only have the effect of reducing the poor man's bread tax to the amount of 1*s.* per head, or 4*s.* or 5*s.* per year for each member of a family. Now he had said that it would go much further, but he assumed the reduction at only 1*s.* knowing that the fears of the farmer and the hopes of the manufacturer as to the effects of a repeal were exaggerated. He had even referred to a reduction of 7*s.*—but even a reduction of only 1*s.* would be a great deal, as there was a tax paid by every one who ate bread. As for the working classes, his noble Friend had spoken in an honest and sincere manner; and his noble Friend opposite (Earl Stanhope) had done himself honour in stating that the interests of that body should be the principal object in discussing the question. He thought it was an exaggeration to state that wages would be reduced to so great an extent by the repeal of the Corn-laws, for wages were not regulated by the price of provisions, but the relation between the demand for labour and the supply. No doubt provisions had their effect upon the value of labour, but they operated in a round about manner for they increased population, and thus diminished the price of labour. But even if wages should be reduced, the labourers would find abundant compensation in having commodities cheap, even if an increase of the population were to follow. It was a great delusion to say, that the workmen were not quite as much, and in the long-run perhaps more interested in the repeal of the Corn-laws than the masters. My Lords, concluded the noble and learned Lord, these are my explanations. If you refuse to hear evidence admitting the facts proposed to be proved, I have nothing to do but to move my resolutions, which must then of course be assented to. But if my motion is this night rejected on the pretexts, I cannot call them reasons, which have been urged, I must confer with my noble Friends who think with me on the course to be hereafter adopted. The noble Duke (Wellington) has discussed the subject with great calmness and gravity, and the noble Viscount (Melbourne) has expressed his sentiments with candour and firmness. I have also been complimented on the fairness with which I have brought forward the question. It would have been strange were it otherwise; for I have no interest whatever—no feeling but the desire to do my duty. And I must say, that he will utter a gross falsehood who shall declare that your Lordships considered the subject with anything like levity, or trifling, or indifference; or that you have not given it a patient hearing. I wish your Lordships' opinions had been otherwise. But I have said all I can in favour of my proposition, I have heard no good reason against it; and whether I divide the House must depend upon your Lordships.

Question negatived.

HOUSE OF COMMONS,

Monday, February 18, 1839.

Minutes.] Bill. Read a second time:—Highways.

Petitions presented. By Mr. Blair, from seven places in Wigtonshire, in favour of Church Extension in Scotland.—By Mr. Grote, from Margate, by Sir B. Hall, from Mary-le-bone, by Mr. Dennistoun, from Glasgow, by Mr. Turner, from Truro, by Mr. Finch, from Birmingham, and Old Swinford, by Sir G. Strickland, from three places, by Mr. Baines, from Lancaster, by Mr. Brotherton, from Salford, by Mr. Stansfield, from Huddersfield, by Mr. Wilbraham, from a place in Cheshire, by General Ferguson, from Nottingham, and by Mr. THORNELY, from three places in Staffordshire, for the Immediate and Total Abolition of the Corn-laws.—By Sir THOMAS FREEMANTLE, from Southampton, by Mr. DARBY, from several places, by Mr. BENNETT, from Hindon (Wilts), by Lord GRIMSTONE, from Hatfield, by Mr. H. SMITH, from a Parish in Essex, by Mr. BARING WALL, from Guildford, by Colonel SIBTHORP, from ten places in Lincolnshire, by Sir E. FILMER, from several places, by Mr. EATON, from twenty-two Parishes in Cambridgeshire, by Mr. DICK, from places in Essex, by Mr. BROADLEY, from several places in Yorkshire, by Sir WILLIAM HEATHCOTE, from places in Hampshire, by Mr. CHRISTOPHER, from thirty-eight Parishes in Lincoln, by Sir W. YOUNG, from Parishes in Bucks, by Mr. ROUND. from St. Mary's, Maldon, by Mr. WARD, from Greenock, and other places, by Mr. WOOD, from Kendal, by Mr. EASTHOPE, from Leicester, and another place, by Mr. BRAMSTON, from several Parishes in Essex, by Mr. BANNERMAN, from Aberdeen, and other places, by Mr. PENDARVES, from Redruth, by Lord WORSLEY, from a Parish in Lincoln, and by Sir E. KNATCHBULL, from several places in Kent, against any Alteration in the Corn-laws.—By Mr. HODGSON, from Berwick-upon-Tweed, against the Registration of Births and Marriages Act.—By Sir G. CLERK, from Argyleshire, for some system of National Education.—By Mr. PENDARVES, from Redruth, for a more efficient Constabulary Force.—By Mr. KINNAIRD, from a place in Scotland, for Church Extension there.

THEATRICAL AMUSEMENTS IN LENT.] Mr. *Thomas Duncombe* had a petition to present, complaining of an arbitrary restriction on the Amusements of the people. The petition was from the proprietors and managers of Drury-lane Theatre, who complained of the unjust interference of the Lord Chamberlain with the amusements of the people on the Wednesdays and Fridays in Lent. The hon. Member went on to say, that while theatrical performances were prohibited in Westminster, it was only necessary to cross Oxford-street, which was not under the jurisdiction of the Lord Chamberlain. [Loud calls of "*Order.*"] He believed he was perfectly in order. It was laid down, he believed, the other day, that when a petition was presented complaining of grievances, the prayer of that petition should be immediately discussed. He apprehended this was a complaint of grievance of that description.

The *Speaker:* the hon. Member is not exactly correct in the view he has taken.

Mr. *Thomas Duncombe* said, the petitioners complained, that they were deprived of a third part of their income by the interference of the Lord Chamberlain. If the complaint were not immediately discussed Lent would be over, and, according to the old saying, while the grass was growing the horse would starve. It was his intention immediately to move an Address to her Majesty, that she would graciously please to issue her orders to the Lord Chamberlain not to restrict in the City of Westminster, those amusements which were permitted in other parts of the country. He would at once bring up the petition and take the sense of the House upon the subject. He would beg leave now to move an Address to her Majesty. [Cries of "*No, Order.*"] He was quite surprised at his hon. Friend, the Member for Nottingham. He was once a great stickler for the rights of the people. He had been present when his hon. Friend was a candidate for Westminster, and had heard him advocating those rights on the hustings.

Sir *George Clerk* said, he felt it was out of order for any hon. Member to interfere with a notice of motion before the House; but a motion could not be brought forward without notice.

Mr. *P. Thomson* suggested, that the petition be printed, and that the hon. Member give notice of a motion for to-morrow for that purpose.

Mr. *Thomas Duncombe* said, if the noble Lord would only say, that he would take the subject into consideration, so that the rational amusements of the people might not be interrupted, he would consent to withdraw it; but it was too bad, when balls, and concerts, and clubs were permitted to remain open in every part of the town—

The *Speaker* said, he was sure he need not remind the hon, Member, that there could be no order in the proceedings of that House if they were to revert to what were the alleged rights of individuals on all occasions, without reference to those which the House had established for the general convenience. It would be impossible to carry on the business of the House if some system was not observed. He might observe, that although it was an order of that House that Orders of the Day should have precedence on certain days, and notices of motions on certain other days, yet unquestionably, according to the strict abstract rights of Members of Parliament, any Member who consulted only his own convenience might make a motion which would entirely defeat all these arrangements. He would put it to the good sense and feeling of the House whether they ought not, for the sake of the people, whose business it was their duty to transact—whether it were not for the general advantage, that the business should be conducted according to fixed and certain rules. With respect to the particular motion which the hon. Member brought forward as a fit subject for discussion, he would submit to him whether it would not be more fair to the parties, whose interests were likely to be seriously affected by it, to give them an opportunity of seeing how far it might interfere with their interests. According to all forms, and the common courtesy of that House, such a motion should not be brought on without notice, unless it were meant to set at defiance all those rules which had been laid down for their guidance.

Mr. *Thomas Duncombe* contended that one of the rules of the House was, that all petitions complaining of personal grievances should be entertained and discussed when presented. That was his case.

The *Speaker* would leave it to the hon. Member to take whatever course he thought proper under the circumstances.

Mr. *Thomas Duncombe:* If the House would allow the case to come on to-morrow, he would have no objection to postpone it; but these people were starving in the meantime. His motion was so rational and so reasonable, that the House could have no difficulty in agreeing to it.

Mr. *Leader* said, it certainly had been his intention to have seconded the motion of the hon. Member for Finsbury. The hon. Member told him, that he intended to present a petition, and had asked him to come down to the House to second it, and as the matter concerned the substance of many, and the amusement of all his constituents, he felt himself bound to do so. He certainly did not intend to oppose what might appear to be the wish of the House, and if there was any rule against it, they ought to abide by that rule. If it could be arranged to take the subject into consideration the first thing to-morrow.—[Loud cries of "*No! no.*] All they asked for was, that the matter should be fairly discussed before Wednesday, because every day lost was so much pecuniary loss to individuals, and so much amusement lost to all. Unless, therefore, some arrangement was come to, he must second the motion of his hon. Friend.

Sir *E. Knatchbull* wished to know who were the petitioners.

Mr. *Thomas Duncombe:* The lessee and performers. If the noble Lord would say, that the subject was one that ought to be considered, then he would only lay the petition on the table; if not, then he should insist upon taking the sense of the House upon the subject.

The *Speaker* inquired what was the earliest day the performers would be affected unless the motion was put.

Mr. *Thomas Duncombe:* next Wednesday—Wednesday and Friday.

Mr. *Gladstone* thought, that the petition might be looked upon as referring to a public grievance, and as such an exception to the rule laid down with respect to presenting petitions.

Lord *John Russell* said, that the question entirely depended upon whether it were such a case of personal grievance as that the House would decide upon taking the discussion immediately. As far as he collected the opinion of the Speaker, he seemed at first to doubt whether it were such a case that the House would hear it now, but he thought that the Speaker's impression afterwards was, that as these persons would certainly suffer in their means of subsistence on Wednesday next, therefore, the petition came within the rule of a grievance, and therefore, that the discussion should take place. With the latter sentiment, he was disposed to concur.

The *Speaker* said, that the question was, whether the hon. Gentleman should not present the petition now, and take an opportunity of having it discussed in the course of the evening.

Mr. *Thomas Duncombe* would much rather that the House should dispose of it now in one way or other. He did not see what objection the House could have to the petition. There could be no doubt that the Crown had the power of directing the Lord Chamberlain not to interfere. The hon. Member then moved, that an humble Address be presented to her Majesty, that she will be graciously pleased to give directions to the Lord Chamberlain, to sanction on Wednesdays and Fridays, during Lent, within the City of Westminster, such entertainments as are enjoyed by her Majesty's loyal subjects in every other part of the metropolis.

Mr. *Elliott* said, that the order in question was not a new one. The theatrical performers made their engagements, well knowing of its existence. He, therefore, thought that such a question need not be decided by a division. Why did not the parties who now considered themselves entitled to redress, come before the House with a petition long since?

Sir *Benjamin Hall* said, his hon. Friend had asked, why did not those parties come forward with their petition long since? Now, it was only last Friday that the Lord Chamberlain's order was issued. The order was in a great degree inefficacious, as the performers might go to Marylebone, or the Crown and Anchor, and act there.

Mr. *Creswell* contended, that the application ought not to be entertained, as the performers made their engagement with the full consciousness that the order would be issued as heretofore. They, therefore, had no right to complain now. Other performers, as well as those of Drury-lane, were interested in the present system, and should have their rights considered as well as the applicants. His opinion was, that the House would act irrationally and unadvisedly if it were to entertain this application.

Mr. *Jarvis* said, that the Crown and Anchor, the Queen's Theatre, and Astley's, over the water, were out of the jurisdiction of the Lord Chamberlain's order. This was a case in which not only managers, and performers, but also a large number of workmen, domestics, and other individuals, were concerned. If those persons could be thought bound to live for seven days upon what they should have for four, because it was Lent, he admitted, that the application should not be received. There was no necessity for an Act of Parliament to induce the Lord Chamberlain to alter what was merely an old custom, and which certainly ought to be relaxed. If the inhabitants of Westminster and other districts of the metropolis were not allowed to enjoy the innocent amusements of the theatre, he apprehended that they would go to other places, where the amusements would be far from a harmless character. On the ground of sound practical policy, and also upon considerations of humanity they ought to grant the prayer of this application.

The House divided:—Ayes 70; Noes 160: Majority 90.

List of the Ayes.

Aglionby, Major
Archbold, R.
Bewes, T.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Broadwood, H.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, Charles
Burrell, Sir C.
Butler, hon. Col.
Callaghan, D.
Cantilupe, Viscount
Chalmers, P.
Clive, E. B.
Collins, W.
Dennistoun, J.
D'Israeli, B.
Dundas, C. W. D.
Easthope, J.
Ellice, E.
Evans, Sir De Lacy
Fielden, J.
Ferguson, Sir R.
Finch, F.
Fitzroy, hon. H.
Fitzsimon, N.
Fort, J.
Gillon, W. D.
Grattan, H.
Grote, G.
Hall, Sir B.
Hastie, Arch.
Hodgson, Fred.
Jervis, John
Maher, J.
Molesworth, Sir W.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Parrott, J.
Pattison, J.
Pechell, Capt.
Philips, M.
Power, J.
Redington, T. N.
Roche, E. B.
Roche, Sir D.
Rundle, J.
Salwey, Colonel
Sheil, R. L.
Smyth, Sir G. H.
Stock, Dr.
Strickland, Sir G.
Tancred, H. W.
Thornley, T.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
White, H.
Wilbraham, G.
Wilshere, W.
Worsley, Lord
Yates, J. A.

TELLERS.

Duncombe, T.
Leader, J. T.

List of the Noes.

Acland, Sir T. D.
Ashley, Lord
Bailey, J.
Baillie, Colonel
Baines, E.
Baker, E.
Baring, H. B.
Barneby, J.
Bell, M.
Bethell, R.
Blair, J.
Blake, W. J.
Blakemore, R.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brocklehurst, J.
Brownrigg, S.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H.
Chapman, A.
Chetwynd, Major
Christopher, R. A.
Clay, W.
Clerk, Sir G.
Clive, Viscount
Crawford, W.
Cresswell, C.
Curry, W.
Dalmeney, Lord
Darby, G.
Divett, E.
Donkin, Sir R. S.
Duckworth, S.
Duncombe, hon. W.
Eaton, R. J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, Capt. A.
Evans, W.
Farnham, E. B.
Feilden, W.
Fenton, J.
Filmer, Sir E.
French, F.
Freshfield, J. W.
Gibson, T.
Gladstone, W. E.
Gordon, hon. Capt.
Gore, O. J. R.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halford, H.
Hardinge, rt. hon. Sir H.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcote, Sir W.
Hepburn, Sir T. B.
Hinde, J. H.
Hobhouse, rt. hon. Sir J.
Hodgson, R.
Hope, hon. Chas.
Hope, G. W.
Hotham, Lord
Houldsworth, T.

Houstoun, G.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
James, Sir W. C.
Johnstone, H.
Jones, J.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, right hon. Sir E.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lefevre, C. S.
Lefroy, rt. hon. T.
Litton, E.
Lockhart, A. M.
Lowther, J. H.
Lushington, rt. hon. S.
Lushington, C.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Mahon, Viscount
Marton, G.
Master, T. W. C.
Maule, hon. F.
Melgund, Viscount
Miles, P. W. S.
Mordaunt, Sir J.
Morpeth, Viscount
Murray, rt. hon. J. A.
Nicholl, J.
Noel, W. M.
O'Conor, Don
O'Ferrall, R. M.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Peel, rt. hon. Sir R.
Perceval, Col.
Phillpotts, J.
Pigot, R.
Plumptre, J. P.
Powell, Col.
Powerscourt, Visc.
Praed, W. M.
Protheroe, E.
Pryme, G.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, J.
Rushbrooke, Col.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, R. V.
Somerset, Lord G.
Speirs, A.
Stanley, E.
Stanley, W. O.
Stansfield, W. R. C.
Strutt, E.
Stuart, V.
Style, Sir C.
Tennent, J. E.
Thomson, rt. hon. C. P.
Thornhill, G.
Troubridge, Sir E. T.
Turner, E.
Vere, Sir C. B.
Waddington, H. S.
White, A.
Whitmore, T. C.
Williams, W. A.
Wilmot, Sir J. E.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Wrightson, W. B.
Young, Sir W.

TELLERS.

Stanley, E. J.
Steuart, R.

Poor Relief (Ireland).] Viscount Morpeth moved the Order of the Day, for the House going into Committee of the whole House on the Poor Relief (Ireland) Act Amendment Bill.

The House went into Committee.

Upon Clause 8,

Sir *Robert Fergusson* thought there ought to be some alteration with respect to the latter part of the clause as it was at present framed, and he thought it was likely to create great difficulty. He thought that the Poor-law Commissioners should have the power of appointing the barrister who was to decide upon the validity of the rate.

The clauses were agreed to.—The House resumed.

HOUSE OF LORDS,

Tuesday, February 19, 1839.

Minutes.] Bill. Read a first time:—Borough Courts.

Petitions presented. By the Earl of Ilchester, from several places in Somersetshire, by the Earl of Shaftesbury, from the Magistrates and Clergy of Dorsetshire, and by the Duke of Wellington, from several Parishes in Kent, for an Alteration of the Beer Law.—By Lord Hatherton, from a number of places, by Lord Radnor, from several places, and by Lord Brougham, from Epsom, and other places, for the Abolition of the Corn-laws.—By the Earl of Shaftesbury, from Dorking, by the Earl of Ilchester, from several places (Somerset), by the Earl of Stradbroke, from places in Suffolk, by the Earl of Hardwicke, from places in Huntingdonshire, by the Earl of Winchilsea, from places in Kent, by Lord Hawarden, from several places, and by the Earl of Clare, from Galway, against any Alteration in the Corn-laws.—By the Duke of Richmond, from Elgin, for an Improved system of Prison Discipline; from the same place, for Church Extension; and from Barnwash, against the Abuses of Turnpike Trusts.—By the Earl of Haddington, from Lochneven, and other places, for Church Extension in Scotland.—By the Earl of Stanhope, from three places in Essex, against the New Poor-law.

Corn-Laws—Petitions.] Lord *Hatherton* presented six petitions from the borough of Wolverhampon and its neighbourhood, signed by nearly 9,000 persons, praying for a total Repeal of the Corn-laws. The immediate object of the petition was a total and unqualified repeal of the Corn-laws. If he (Lord Hatherton) had no other alternative than either a total repeal of those laws, or a continuation of the present law, he should be disposed to take the total repeal. He was of opinion it would be better for all parties to amend the present law rather than to adopt either alternative, by fixing a very small importation duty, and he believed that opinion had gained much ground throughout the country. The present laws were most obnoxious to the maritime interests of the country, to our intercourse with foreign states, and to the best interests of the institutions of this country. These were no new opinions of his. He had expressed them in the other House of Parliament, and had acquired them from a connexion of more than twenty-three years with a manufacturing part of the country, The manufactures of this country had for a long time been undergoing a great depreciation, and this was a very alarming state of things; and when it was recollected, that the prosperity of the country depended entirely on the prosperity of our manufacturers, he could not justify to himself the existing Corn-laws. Cotton, woollens, earthenware, hardware goods—none of them had any fiscal duty as a protection to an extent of more than twenty per cent., some not more than three per cent. On what principle, therefore, could he justify to himself a Corn-law protecting duty frequently amounting to fifty, sixty, and sometimes to one hundred per cent.? He hoped, that nothing that passed last night was to be considered as an expression of their Lordships' opinion against interfering, arising on this subject. The proposal then rejected was merely to hear evidence, and he apprehended their Lordships' judgments as to the laws themselves remained perfectly unfettered. He could not think so ill of that House as not to believe, that if any well considered measure on this subject, operating a change somewhat of the nature he had mentioned, were sent up by a considerable majority from the other House their Lordships would be disposed to receive it favourably.

Petitions to lie upon the Table.

OPEN QUESTIONS IN THE CABINET.] Viscount *Melbourne* would take that opportunity of saying, that their Lordships seemed to be under some little misapprehension as to the state of the Corn-law question under Lord Grey's Government. It was not a matter of any great importance, nor had it any bearing on the state of the question at present, but it might be as well that he should inform their Lordships what the state of the matter really was. It appeared, that in the course of a debate in the House of Commons in 1834, Mr. Poulett Thomson, who at that time held the office of Vice-president of the Board of Trade, expressly said in reference to the Corn-laws, and in answer to the Earl of Darlington who expressed his surprise at Mr. Poulett Thomson's conduct on that question, that "this is an open question in the Government, for the truth of which I appeal to my noble Friend sitting near me (Lord Althorp), and it is on this ground, that I am here as a member of his Majesty's Government, though not in the Cabinet, advocating the opinion, and voting for the motion of the Member for Middlesex."* This statement of Mr. P. Thomson, the Vice-president of the Board of Trade, he considered as proof as to the state of the question under Lord Grey's Government.

The Earl of *Ripon* said, with respect to the Cabinet he must assert, that he had no recollection of anything that had passed, which could induce him to suppose that Lord Grey's Cabinet had ever considered the Corn-law as an open question. The Vice-president of the Board of Trade could not be considered as speaking the sentiments of the Cabinet in 1834, and the Cabinet could not be bound by his opinion. He referred to facts, which if they could be gainsayed were capable of proof. With respect to this opinion of the Vice-president of the Board of Trade, he (Lord Ripon) had never heard of it until after it was given.

Lord *Brougham*: The noble Earl says, that he never heard of this opinion of the Vice-president of the Board of Trade until after it had been given. I never heard of it until this hour. The individual who had given this opinion was not a Cabinet Minister; he was not a Member of the Government in the same sense as a Secretary of State, or a First Lord of the Treasury. He was no more a Member of the Government than an under Secretary of State, or a Secretary to any individual Minister. Why last Session a Lord of the Treasury voted in favour of the Ballot, and yet the Members of the Government did not split on the question of the ballot. I still maintain, that this was not an open question. In 1829 I addressed the House and stated, that the landed interest had no right to any protection beyond the cost of the importation. I entirely agree with my noble Friend, that this question was not an open question, and that the statements and votes of those who were so low in office as to be excluded from the Cabinet cannot be considered as proving otherwise.

The Duke of *Richmond* entirely agreed with the noble Earl, and with his noble and learned Friend who had just sat down, that the question of the Corn-Laws had never been considered as an open question by Lord Grey's Government; if it had been an open question he should have immediately ceased to be a Member of that Government. He deprecated opening the doors of the Cabinet in this manner so long after they had closed.

Viscount *Melbourne* said, it was not the case of one, but of ten, Mr. P. Thomson,

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* Hansard, vol. xxi., Third Series p. 1277.

Lord Dungannon, Mr. Labouchere, Sir Henry Parnell, the hon. A. Murray, Mr. Vernon Smith, and Sir G. Grey, all high in office, under the Government of Lord Grey, although certainly not Members of the Cabinet, voted in favour of a modification of the Corn-Laws.

The Duke of *Richmond*: What the noble Lord says only proves now that the underlings of Lord Grey's Government were in a very badly disciplined state.

Subject dropped.

INSULT TO THE BRITISH FLAG.] Lord *Colville* seeing the First Lord of the Admiralty in his place, wished to ask him a question relative to a report which had created a vast sensation this morning respecting the conduct pursued by the French Squadron in the Gulf of Mexico. It was stated, that one of her Majesty's packets, with the British flag flying at the mast-head, had been fired on by a French corvette, forced to heave to, boarded by a French officer, and the commander compelled to surrender a pilot who had intrusted himself to the safety of the British flag, and who was forcibly taken on board the French ship. All this must have taken place under the sanction of the French Commander, Admiral Baudin, as the commander of the corvette acted in accordance with signals made to him by his Admiral.

The Earl of *Minto* was glad he could give a perfectly satisfactory answer to the matter referred to. It was undoubtedly true that a pilot had been taken out of a British vessel to pilot a French squadron by a French captain, and that he was put on board a French corvette. He had been informed of it, but before he could communicate with the French Government on the subject, he had received a communication from Admiral Baudin informing him that the young officer had given every explanation on the subject that could be required.

Lord *Colville* said, it was a most cruel act, and most disrespectful to this country, to force a pilot from on board a British vessel.

PRISON DISCIPLINE.] The Duke of *Richmond* presented a petition from the Provost and Baillies of the burgh of Elgin regarding Prison Discipline. They say that nothing could be worse than the state of prison discipline in that place. Now he, (the Duke of Richmond) had recently visited that place, and he would say few men would allow their dogs to be kept in it. He had also visited Edinburgh, and the prisoners of the gaol there he found crowded together in great numbers, and that the discipline in that prison is such that it might be rather said there was no discipline at all. He need only state, that he was standing with the governor of that gaol in the yard, where numbers of prisoners were confined, when the governor begged him not to stand there, or the prisoners would insult him. Now he thought it was the duty of Government to apply a remedy to such evils. In this prison one of the prisoners was the agent of a pawnbroker in the town, and was accustomed to send out clothing and other articles, having advanced money upon them. Such was the discipline of those prisons. He thought no time would be mis-spent in effecting a change in such disorders. It was impossible that any man could come out of such prisons reformed in character. In fact, he must come out in a worse state than when he went in. They were the established schools of vice and crime, and he strongly urged the attention of the House to this petition.

CANADA.—MR. TURTON.] The Earl of *Winchilsea* rose in pursuance of the notice he had given last evening to move that an humble address be presented to her Majesty, praying that she would be graciously pleased to order to be laid upon the Table of the House any correspondence which had passed between her Majesty's Government and the late High Commissioner of Canada, relative to the appointment of a Mr. Turton. He should occupy very little time in stating the grounds, which were but few, on which he brought forward his motion; and he hoped they would appear to the House to be such as to entitle their Lordships to call on the Government to lay those papers on the Table, not on behalf of themselves, but of the country at large. He had stated when he had brought this subject first forward, that he did so from no party or political feeling. He could now honestly also state, that no individual on his side the House was aware of his doing so until he had actually brought the subject forward; nor was any individual on that side of the House aware of his intention of renewing it last night, until he had actually given his notice. There were circumstances in which unhappily Mr. Turton had placed himself, which made him think it was inconsistent with what was due to the character and honour and dignity of the Crown, that he should have received that appointment, as well as, without the slightest desire to injure the feelings of the noble Earl, inconsistent with the best interests of his Government, because it was an opinion which he (Earl of Winchilsea) held in common he believed with all the high-minded people of this country, that the best and only sure ground of respect on the part of the governed towards their Government must be fixed in their private respect and esteem for the persons by whom that Government was composed. With that view, having had the acquaintance of that individual for some time, it was with feelings of private pain to himself that he had brought forward this question at all; but with the honest views he entertained, if Mr. Turton had been his nearest and dearest relative, still he should have taken the very course which he had pursued. On the 27th of April last, he asked the noble Viscount at the head of her Majesty's Government whether that individual had been appointed the legal adviser to the government of the noble Earl. To that question the noble Viscount gave him a most decided answer. The noble Viscount's answer was, that no legal adviser had been appointed, and that upon reconsideration it was not considered necessary to make such appointment. At all events his (Earl of Winchilsea's) information was pretty correct; no matter from whence it came, that such appointment was under the consideration of her Majesty's Government. He then hoped, that the noble Viscount clearly understood, that it was not to any one particular situation, but to any situation at all under that Government, to which his objection extended. Not altogether satisfied with what the noble Viscount had said, on the 30th of the same month, he asked the noble Viscount whether that individual had left the country under any promise, or with any expectation, either from her Majesty's Government or from the noble Earl, of any public appointment when he reached British Canada. The answer he received from the noble Viscount on that occasion was, "I say, then, first of all, that no situation whatever was offered by her Majesty's Government to the gentleman whose name he has alluded to; and next, that that gentleman has gone out to Canada, if he has gone out at all, which I do not mean to deny—without any appointment, without any prospect of an appointment, and without any intention on the part of Government, or on the part of my noble Friend, the Earl of Durham, to appoint him to any public situation whatever.*" When he got that answer from the noble Viscount he was perfectly satisfied with it. Circumstances compelled him to leave town, and a noble Friend of his seeing that gentleman's appointment gazetted as Secretary to the noble High Governor brought the subject under the consideration of the noble Viscount again, and alluded to the statement which the noble Viscount had made, which had just been referred to. On his (Earl of Winchilsea) return to the House, on the 16th of July he stated, that he was not satisfied with the answer which had been given him, and had he been present when his noble Friend mentioned the subject, he should have pressed for a further statement from the noble Viscount. What the noble Viscount stated to his noble Friend was, "He could only say, that it was with great concern and surprise he saw that appointment announced," adding, "at the time he made the statement to this House, which had been referred to, he felt confident, that no such appointment would take place."† When he (Earl of Winchilsea) read this, he could not reconcile it to himself with what had passed; and after having drawn the attention of her Majesty's Government to the subject, he thought, that it must have been known to some one of her Majesty's Government, and that it would be according to the natural course of things, that when he had drawn the Prime Minister's attention to it, he would have been informed upon it. He then expressed his opinion to the noble Viscount, that the answers which had been given to him were not satisfactory, and asked him whether he could give any test to the country of the sincerity of those expressions of surprise and regret which he had publicly stated in that House. The answer he received then was, "Ministers had very recently received an account of the appointment complained of, and had not yet had time to communicate with the government abroad. Under these circumstances it would not be convenient to state the course which Government intended to pursue."* He would say, that the country had a right to be informed of any communication which had passed of an official character, and that such a communication must have taken place, from the answer which the noble Viscount gave on the 16th of July, no man could entertain a doubt. He could say, without any reference whatever to party feeling, that if the confidence of the country could not be implicitly placed in the statements of an individual holding the elevated station of the noble Viscount, such an impression would be most detrimental and injurious to every interest of this country. He felt the importance of this subject so strongly, that he did hope the noble Viscount would not refuse to produce the despatch; but if he did, he should feel it to be his duty to press for the production of those papers by dividing their Lordships on his motion, for an Address to be presented to the Throne, begging her Majesty to order those papers to be laid on the Table.

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* Hansard (third series) vol. xlii. p. 673.

† Ibid. vol. xliii. p. 1167.

Viscount *Melbourne* placed the most entire reliance on the sincerity of the noble Earl, as expressed in his address, that he neither upon the former nor upon the present occasion, brought forward this question with any other than the purest motives, or any other desire than to have manifested that which undoubtedly was the best safeguard to the best interests of the country, viz. pure and honest statements connected with public affairs, on the part of persons holding high stations. At the same time he should be deceiving their Lordships if he were not to state that he felt on seeing this question again brought forward, considerable concern, not on his own account—not on account of the noble Earl, who was more particularly connected with this transaction than himself— but on account of the learned Gentleman who, without being present, and without having the opportunity of defence afforded to him had been made the subject of public animadversions and discussions—animadversions and discussions which must necessarily be very painful to his feelings, and not a little injurious to his prospects. It was impossible not to feel the hardship of the case as it affected him. With respect to what took place on the former occasion, he (Lord Melbourne) had only to say that the circumstances which occurred respecting the appointment of that gentleman by the noble Earl, had induced a strong opinion in his mind that no such appointment would take place; and it was under that impression he gave such an assurance to the House as he had given. The noble Earl behind him appeared to have acted under a different impression—in this respect, that he acted under the distinction which he drew on a former occasion between the office he gave and the other offices which were in the gift of the Crown—a distinction which he (Lord Melbourne) owned he could not concur in. But that was the cause of the noble Earl's acting in the manner he did. When he saw that appointment, unquestionably he felt precisely as he had expressed himself in that House—surprise at the appointment which had been made, and concern at the course which had been pursued. He could assure the House that what he had expressed he had stated with perfect sincerity and perfect truth on both these occasions. Now the object of the noble Earl opposite appeared to be to gain information of the course pursued by him as the head of the Government, upon this appointment being made known to him—an appointment so contrary to what he had professed to expect, and so contrary to the noble Earl's expectations opposite. He apprehended that if the production of those papers were to be granted, the papers would not be found to give information on that point, but he would supply that information, and would now state to the noble Earl precisely the course which was taken on the occasion. After what had passed in that House he wrote a private letter to the noble Earl, expressing unquestionably his disapprobation of the course which had been pursued, and impressing upon the noble Earl the necessity of rescinding that appointment. The noble Earl said, in a letter in reply, that he considered his honour pledged, and most distinctly declined to take such a course. He was of opinion that whatever might be the real merits of the case, it would not have been proper for him to have interposed, so as to have interfered with the Government of the noble Earl, even upon the face of those ordinances which had been submitted to their Lordships. Their Lordships would perhaps not be surprised that he who had recommended the rescinding of that appointment on that occasion, should not have been inclined to disturb the Government of the noble Earl by insisting on the dismissal of that gentleman. In this situation matters stood until the whole was cancelled by those more serious events which not only put an end to this appointment, but also put an end to the Government of the noble Earl himself. This transaction then entirely merged and was lost in those greater occurrences. Under these circumstances, seeing that this was a question of a very peculiar nature—seeing that it was a question, the agitation of which must necessarily occasion extreme pain—and seeing that no greater satisfaction would be obtained by the noble Earl obtaining the production of the despatches, which as to the greater part of them, would afford no information at all upon the subject, and considering the information he had now given, he trusted the noble Earl would not press his motion for the production of the despatches.

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* Hansard, (third series) vol. xliv. p. 203.

The Earl of *Winchilsea* said it was not his intention to have taken this course if the answers to his questions given by the noble Viscount, had been satisfactory. It was the furthest thing from his wish, unless compelled by an imperative sense of public duty, to take any course calculated to inflict pain on any individual. It was a sense of public duty, that had compelled him to come forward now as he had done, and he had to express his regret, that the grounds on which he had come forward being public grounds, communications of a private nature had taken place by her Majesty's Government on this subject; and that he should have to be informed there was no communication of a public character upon it which could afford any information.

Viscount *Melbourne* said, none of a public character respecting the latter part of it.

The Earl of *Winchilsea* expressed his honest and sincere regret, that when the noble Viscount owed it to the country to take a public course, however painful to him, he should have failed to have taken a public course. Having satisfied his own mind upon this subject he would now leave it in the hands of the House. He could not but express his deep regret at the course taken by the noble Viscount, because, if by an inadvertency the noble Lord intrusted with a great public mission, should have to be remonstrated with, and that was to take place in the shape of a private communication, and the private nature of that communication to be urged afterwards as a reason why the public should not know what had taken place, then the public could not be prevented from having that information to which it was entitled.

Lord *Brougham* said, that having taken part in the observations that were made on this subject before, he could not but join with the noble Viscount in expressing a hope that the noble Earl would withdraw his motion, the pressing of which could lead to no advantage after the explanation which had taken place.

The Earl of *Winchilsea* said, it was his intention to withdraw it.

Lord *Brougham* was extremely happy to hear that which he was not before aware of. Nothing could be more candid and fair than the statements of the noble Viscount at the head of her Majesty's Government. This was a painful subject to allude to, but it would be more painful to him not to make an observation or two upon the subject. However much a circumstance in Mr. Turton's conduct was to be condemned, yet he had long known him, and his noble Friend behind him (the Earl of Durham) had known Mr. Turton for a very many years—he was at school with him; he knew well his excellent general character, his great abilities, and his extensive information; he too, well knew his abilities, and great information, and he would venture to say there was not a man in the profession of the law or out of it, of a more exalted character, of higher honour, or purer spirit, or of a more unblemished character, than Mr. Turton, and that very few men were a greater ornament to the profession of the law, than he was. He felt bound from what had been said, and from the stigma that had been thrown upon him to say thus much. With respect to the particular transaction he was the last man in the world who would stand up to defend an act of seduction or adultery; but he would add, that a noble Friend of his now no more, who, from his official situation as Lord Chief Justice of England, was as sensitive as any man upon a case of this kind, directed his particular attention to the case. He was to hear that case in that House in his official character; and his late noble and learned Friend had said to him there was such a case coming before him; there was a strong prejudice against the party whom he had known for a long time; and that something had fallen upon his ear upon going the circuit in that part of the country, which led him to believe, that that case was not so bad as was generally circulated — therefore, said his noble Friend to him, "have your attention awake to the circumstances." His answer to his noble Friend was, "I shall do so most willingly, but you must assist me in it—you must come and sit with me—I wish to have the comfort of your assistance on the occasion." That noble and learned Lord came—he sat two days hearing the cause and then he said, "I think you will pretty well see now, that I had some ground for my remark." Those who were sitting with him then said they saw very well how it was, and that it was by no means so bad a case as had been supposed, very little out of the ordinary way; and the noble and learned Lord was told, that he had then better go to Guildhall, because they could then deal with the case very well by themselves. Now, he desired it to be understood, that he was the last man to say a word in justification of adultery, but still he hoped noble Lords would not run into excess, which was certainly a very bad thing for morality on all occasions, but remember that cases which were called by the same name presented every shade of variety. Apart from that transaction Mr. Turton was a man of the highest talent, the most profound information, and upright character.

The Earl of *Wicklow* could not conceive that what the noble and learned Lord had just said with respect to the private communications which he had alluded to, was likely to raise the high character of the judicial functions and station of this country.

Lord *Brougham* said, if that was the noble Lord's opinion, it was one of the most astonishing opinions he had ever heard. All that he said was, that his late noble and learned Friend had requested him to attend to this case, because it required particular attention. Was no attention to be paid to a private communication? Then, what were their Lordships to do when they received an invitation to dinner? [The Earl of *Wicklow* meant judicially.] He meant judicially too. ["*Hear, hear!*"] Hear, hear!—yes, and understand as well as hear. What was the use of hearing unless noble Lords would also understand? Let not the country be told, that justice was well administered because persons did not choose to understand it. That case had been heard for three days, it was thoroughly, understood, it was properly disposed of, and nothing improper had taken place in reference to any communication made in respect of it, but on the contrary.

The Earl of *Wicklow*: My Lords, the noble and learned Lord may be as uncourteous as he pleases towards me; for myself I do not care, but the statements will go forth to the public. No insulting language which he from his usual vocabulary may be pleased to use towards me, will alter my impression. It is not my impression that is of any importance, but the statement which the noble and learned Lord has made with regard to the manner in which he has exercised the judicial functions of this House will go forth to the country, and the country will be able to judge between us.

Lord *Brougham*: And the country will judge most justly. The people of this country have understanding, and can comprehend what is said, and will not run away with all erroneous impressions. I deny having used any insulting language. If the noble Lord will name any one word I said in the presence of your Lordships at all insulting, or which would show an intention to insult, or even to treat the noble Lord with disrespect—if the noble Lord will point out any such word I will retract and apologise for it. I cannot say anything more fair. The noble Lord forgets that he said the most offensive thing which one man can say against another. He said that I and a noble and learned Lord had combined together to defeat the course of justice. Now, whether anything could be more offensive than that, I leave to your Lordships to say.

Lord *Abinger* was understood to observe, that it was impossible to suppose, that the communication which had been made to the noble and learned Lord could have any influence on his mind, except to persuade him of the necessity of paying particular attention to it.

Viscount *Melbourne* said, that as what he had stated had been misunderstood, he wished to add a few words in explanation. When he said there was no despatch on the subject of the appointment, he meant to refer entirely to the course he had taken as the head of the Government, and which he had thought himself bound to do in consequence of what had taken place. That, however, was conducted by private correspondence; but there was some other correspondence from his noble Friend, then at the head of the Colonial Department, in which he stated, that the appointments of the Executive Council were approved of, with the exception of the appointment of Mr. Turton, of which he expressed disapprobation, and requested an explanation, in order that the noble Lord might not suppose no official notice was taken of that appointment.

The Earl of *Durham.* My Lords, it is impossible for me to allow this discussion to pass without addressing a few words to your Lordships, not so much on account of the speech of the noble Lord opposite, as on account of the statements made by the noble Viscount at the head of the Government. And I feel it necessary to recall to your Lordships the statement I made yesterday, and to adhere to that statement, in the essential part of it, as regards my own character—namely, that I made that appointment on my own responsibility, and without considering that I had in any degree committed her Majesty's Government on the subject. I considered, and I still believe, that I had a right to avail myself of the privilege which has been accorded to all Governors as regards honorary Executive Councillors, who have been distinguished from the mandamus Councillors in consequence of the opinion given by Attorney and Solicitor General Garrow and Shepherd, that the appointment of honorary Councillors never could officially come before any Government. Now, my Lords, whatever may be the impression existing on the mind of the noble Viscount, I most distinctly assert to your Lordships, and I hope, whatever may be your prejudice against my public career, that you will at least from what you have seen of me, give credence to what I distinctly and solemnly assure you of—I assert, that I considered, after what had passed, I was justified in giving any appointment to that learned Gentleman, provided it did not affect her Majesty's Government. I did it on my own responsibility, and acted strictly and honourably according to the understanding that existed between us before I left. Now, my Lords, I will not shelter myself under the recommendation of any individual in this country as regards this appointment. If any such recommendations were given to me from any quarter, it was solely done in the hope of benefitting me, and it would be ungrateful of me to shelter myself under those recommendations. I therefore, distinctly and openly avow, that it was upon my own responsibility, that I gave the appointment to that learned Gentleman. I considered I was acting according to the pledge I had given, and the understanding I had come to with the noble Viscount before I left, and which understanding has been since corroborated by those who were conversant with it. The noble Viscount has entered into a narrative of this transaction, and has stated to your Lordships, that private letters, and public despatches, were written on this subject, and that in a private letter I had declared my honour was pledged, and that I could not retract the appointment. First of all, with regard to those private letters. It is perfectly true the noble Viscount did propose to me to rescind that appointment, and I declared, that having already made it, and having refused the resignation which that learned Gentleman tendered me of the office, that I could not in honour rescind the appointment, and the only course left to me, therefore, was to tender my own resignation; and to repeat an expression which I made use of in one of my letters—I would rather cut my right hand off, than do any thing which could be considered as having a tendency towards the discredit or disgrace of that learned Gentleman. With regard to the public despatches, I must say, after what has passed, that I do think I have a right to call for the production of those public despatches. I am not ashamed of them. I wish the despatches I wrote may be made public. Or, if noble Lords do not think proper to move an Address for them, perhaps the noble Viscount will give me leave to read a copy of that despatch. I will not have it supposed, there is any thing in the despatches I wish to conceal, or that any thing further than the motives I have stated to you, would induce me to make the appointment. It would be an infinite satisfaction to me, if every word I wrote in private, and every word I wrote in public, on this subject, were detailed to the House. I have no cause to be ashamed of it; and it would be seen that the circumstances in which I was placed with regard to that learned Gentleman, were such that

I was bound even to make a sacrifice myself, rather than he should suffer. And now, my Lords, one word with reference to that individual. I feel very much obliged to my noble and learned Friend below me (Lord Brougham) for having called your Lordships' attention to the eminent professional talents of that Gentleman. I had known him from his earliest infancy, but we were separated by the ordinary circumstances of life—he went to India and I remained in this country. I knew his professional talents—I knew, besides, when he was recommended to me, that he had been employed as Advocate-General in India, by Lord Combermere, above a year and a quarter—that Lord Amherst confirmed the appointment, and that he discharged his duty so well to the satisfaction of the Governor and Council of India, that they did what was a most unprecedented thing, namely, voted him 5,000 sicca rupees, and also a vote of thanks for his conduct. [Lord *Brougham.*—As Advocate-General.] Yes; a vote of thanks for his conduct as Advocate-General. Is it to be endured therefore, that I should be blamed for appointing to this trumpery office, a man who had filled the highest judicial situation in India? Was I to be denied the privilege never denied to Lord Combermere or to Lord Amherst, of taking advantage of his legal and professional services? Not only that, but the inhabitants of Calcutta, Bengal, and Madras, elected him their agent in this country, to be in communication with our Government. All those unfortunate circumstances, which have been made so much of here, were matter of notoriety, and were known in Calcutta, and yet he received these proofs of the confidence and esteem of those who knew him. Why, he held the office of churchwarden of the cathedral church in Calcutta up to the hour that he left India. Whatever may be your opinion, my Lords, and whatever may be the ridicule noble Lords opposite may make of the matter, I suppose a person appointed to that situation in the Church, could not be considered as a very immoral person. Under these circumstances it was, that I availed myself of his services—services unpaid for to this very hour. He has not received one farthing—he has not received any appointment for his services, and no man could possibly have acted more faithfully or zealously in the discharge of his duty. And now, my Lords, you will excuse me, I hope, if I tell you very frankly and very decidedly, that I shall not be sorry on my own account if the noble Earl makes a specific motion relative to this appointment, because I am prepared to meet him whenever he thinks proper to make it. But the noble Earl must be aware of the consequences to which that must naturally lead. He may think it advisable to discuss this question upon this individual case, and I may meet him on that, but it cannot end there. I shall be prepared to discuss the question on general principles, and I feel I shall have a right to enter on the general question of adultery, considered in reference to the conduct of public men, and the great regard your Lordships have for decorum, I am sure, will augment your regard for justice. I feel I am entitled to do that. Aye, and I will go into an inquiry into the case of every public man who may have received official employment after having committed adultery. [*A laugh.*] I am very well used to all these obstacles and impediments which noble Lords endeavour to throw in my way, who will not, with all their sneers and jeers, drive me from the course I have pointed out for myself. I tell noble Lords, that I utterly disregard all their sneers and interruption, and I give them this notice, and from their knowledge of my character they may be sure I will act up to my promise, that if this *ex post facto* condemnation is to be followed up, that, at any rate, the case of every individual who has been employed in an official situation, and who has been guilty of an adulterous act, shall be brought forward for inquiry. Whatever course the noble Earl may think right to take, with regard to withdrawing or pressing his motion, I say I will second him in any demand for documents I may have addressed to her Majesty's Government.

The Earl of *Winchilsea*: I shall discharge what I think to be my duty in this or any other matter. I know myself too well to care for the taunts of any man. I will act up to my principles, and if the noble Earl should bring forward any case of the nature he alluded to, I will give him my support, and be entirely uninfluenced by any principle but that of doing my duty to my country.

Motion withdrawn.

WESTMEATH ELECTION.] The Marquess of *Westmeath*, in moving for the additional papers relating to the investigation held at Mullingar, before John Brooks, Esq., said, he had given notice of a motion respecting the election for the county of Westmeath, which he had determined to bring forward to-day, whether the noble Marquess at the head of the Irish Government were in the House or not, "That these papers be laid on the Table." There were forty-eight pages of evidence with remarks appended.

The Marquess of *Normanby* was not aware what the papers were, that the noble Marquess had alluded to, but he dared say there would be no objection to their production.

The Marquess of *Westmeath* still thought it his duty to make the statement. The evidence he had stated was contained in forty-eight pages, and the paper appended to it was a judicial opinion on the evidence. A noble Lord had last night said, that the easiest way to dispose of a case was to put aside all evidence, and it would appear in his case the commissioner had passed over the whole of the evidence, and had brought in his name in a manner wholly unjustifiable. He said, in the first place, that the Marquess of Westmeath did not attend this investigation; he then said, that he was directed to hold an investigation into certain circumstances which took place at Mullingar. In the first place, he found it necessary to say, he had never made any charge on that subject; in December, 1837, a certain statement was made before the magistrates of the county of Westmeath, respecting the matter to which those papers related, when the chief constable said, he could give the magistrates no information; he consequently wrote to Lord Morpeth, asking leave for Mr. Rowan to communicate to him the information required. He got no answer to this letter. In June he called the attention of their Lordships, and shortly after received a letter from Mr. Drummond, stating that his letter had been sent to Lord Morpeth, that it had subsequently been mislaid and that search was making for it; but what would their Lordships think, when he told them that those identical papers, which could not be found on the 11th of December, were found in the hands of a political club at Mullingar, and had been inspected by four Roman Catholics. And, nearly a year after this, the Secretary was anxious to make him believe they were lost. The circumstances were certainly not such as Mr. Drummond had stated them to be, but it appeared that in September, Mr. Drummond had a long interview with Mr. Sheil, and now he had something to say respecting the conduct of Government. Mr. Rowan and the constabulary force had received the thanks of the Lord Lieutenant through Colonel Shaw Kennedy and Mr. O'Donoghue, for their good conduct at this election. Now, what was the conduct of the Lord Lieutenant towards these officers, to whom they had returned their thanks? These officers had thought it their duty to make a representation against the conduct of two persons whom the Lord Lieutenant was pleased to protect. He did not wonder at this, because one of these persons had been appointed a magistrate against his expressed opinion. The Lord Lieutenant was thus in some measure implicated by that appointment, he was committed to it, and it was necessary to see if he could not justify it. Now, what was the course the Government took? Mr. Daglaseau, who was the chief-constable, received the order at his station in the county of Louth to go to Dublin on the Monday: he went there on the Tuesday. On the Wednesday he saw Colonel Shaw Kennedy—set off for Mullingar on the Thursday, not having received any information respecting the investigation, and on the Monday that investigation took place. What was the mode adopted at this investigation? The Government positively put their own officers on trial, and not the persons charged with misdemeanour of the officers of the Government. In consequence of Mr. Daglaseau objecting to this course, he was distinctly told by the Counsel on the opposite side that he was to consider himself on his trial. His Counsel then demanded that the answers of the gentlemen to the charges which had been brought against them should be furnished him. Mr. Daglaseau was not furnished with them, the chairman, saying, that it was not at that stage of the proceeding that that application should be made. The only opportunity that Mr. Daglaseau had for looking at these replies had been when they were sent down to him at his station at Louth, at which time he was not suffered to copy them, but was ordered to send them back by the orderly dragoon who had brought them. He was put on his trial for exceeding his duty, and no opportunity was afforded him to rebut the charges. Now, it was mentioned at the head of the evidence—before the evidence was gone into—at the very commencement of the minutes, that counsel on behalf of Mr. Daglaseau having stated, that that gentleman was not in possession of copies of the replies made by these magistrates to the charges brought against them, such copies were furnished to him by direction of the court; such was not the case. These documents had been refused them, and yet this statement was made in order to make the proceeding appear less unfair. When Mr. Daglaseau was furnished with these copies does not appear. They may have been furnished him subsequently but certainly not at the commencement of the proceedings. He would read the report of the trial from the short-hand writer's notes, which he intended subsequently to move for, so that if he committed any mistake the noble Marquess would have an opportunity of correcting it. He did not understand what right the Lord Lieutenant had to institute investigations of this kind—he seemed to take authority in his own hands, like a third Daniel, to come to a very wise decision. He would not go further into the subject until the papers were laid before the House; and he would only mention a part of the investigation, which bore a personal relation to himself, that there was never seen anything so unfair. A Mr. Egan, Crown prosecutor, had been asked whether he (Lord Westmeath) was not a member of the Liberal Club in the county, when the Liberal Club had never been mentioned during the course of the investigation? Their Lordships after some hard swearing, would be surprised to hear that he never was a member of a Liberal Club in Ireland. He believed that the term liberal was used by a band of persons whose only object was to place the whole of Ireland under the dominion of the Roman Catholics. It was true that previous to the passing of the Roman Catholic Relief Bill, being of opinion that the representation of Ireland was too much of a family concern—that he was the member of a club called the Independent Club, the members of which were associated together for the purpose of making head against such a system of representation. Matters, however, in Ireland, were now changed. The Irish Reform Bill, and the Roman Catholic Relief Bill had passed, and the Roman Catholics could not any longer complain of being excluded, and therefore, since then, that club had been broken up. He did not believe, that he had attended that club more than twice, and yet for that he was to be accused of having changed his principles, trusting that the House would pardon him for having occupied so much of its time, he would conclude by moving the motion of which he had given notice.

The Marquess of *Normanby* did not complain of the want of candour on the part of the noble Marquess, because his former experience of the manner in which the noble Marquess usually brought the subject forward, prevented him from doing so. But he complained of its being brought forward as it had been with reference to the interests of truth, as concerned in the present investigation. There could be no doubt that the noble Marquess's intention was to state that which would lead their Lordships to a just and fair conclusion; but he did not believe that any other person, with the exception of the noble Marquess, would have brought themselves to believe the facts which he had stated. Now, what were the facts of the case? Why, the papers had not been printed more than a week, and yet the noble Marquess, without giving him the slightest notice, or referring him to a single document, brought this question forward in spite of his communication to him, that he was not aware of the facts connected with the subject; and that he had had no opportunity whatever of communicating with his noble Friend, the Secretary for Ireland. He had only arrived from Ireland last night; and until that afternoon, he had not the slightest knowledge of any intention on the part of the noble Marquess to bring the motion forward. He could not take upon himself to allow the publication of these papers, without inquiring how far they bore on the investigation of the question. If the noble Marquess would now withdraw his motion, and give notice of his intention to bring it forward on a future day, in order that he might have an opportunity of communicating with Ireland, then he would tell the noble Marquess whether he would or would not assent to his motion; and when he came forward, to meet the noble Marquess, he should be ready to go, point by point, into the whole of the case. He had no desire of concealment—he was anxious that his decision on the whole case should be before their Lordships. Indeed, he had intended himself to have moved for it; and he had now no objection to assent to that part of the motion of the noble Marquess, and he would see what further part he could assent to when he had had sufficient time to make inquiries on the subject. He thought, that it was impossible to attribute that importance to the matter which the noble Marquess thought it entitled to—it arose out of the excitement of an election. He thought, that no party were entirely free from blame, but no party required further notice to be taken of it than the intimation of his opinion. When he told the House that it was six months since he had looked into the papers, he thought the House would take a different view from that of the noble Marquess, as to the fairness of calling for the papers at the present moment, especially when he had told the noble Marquess, that if he would only give notice, he would be glad to adopt any course that would be most convenient. He thought the appearance of the benches of that House did not say much for the importance of the subject the noble Marquess had brought forward. He pledged himself to prove, when time had been given him, to look into the papers, that Mr. Brooke was a most honourable man, and that the insinuations of the noble Marquess, that Mr. Brooke had been influenced by a desire to look to the Government for support, were totally unwarranted, and unjustifiable. He thought the insinuations of the noble Marquess would lower him in the esteem of that House and the country, and he defied him to prove them. He would also defy the noble Marquess to prove the statements that he had made against Mr. Drummond. That gentleman held a public office, and he must tell the noble Marquess, that he had feelings as well as himself. He did not believe, that the conduct pursued by the noble Marquess—the unwarrantable and unjustifiable course he had pursued, would have been adopted by any other noble Lord in that House. He would not impute motives to the noble Marquess, but the noble Marquess had ideas of duty very different from the generality of men. As the noble Marquess had alluded to Mr. Sheil, the magistrate, and had stated, that he (Lord Normanby) ought to have been impeached for appointing Mr. Sheil, he would just advert to a letter from the magistrates of Westmeath to that gentleman, but before he did so, he would say, that he believed him to be a most excellent and efficient magistrate, and that he had never seen any reason whatever to regret his appointment. The letter to which he would advert, from the magistrates of Westmeath, stated, that they were convinced he had never sat drinking in a public-house, and that his character was perfectly free from all such imputations. He had begun by stating, that he would not answer the noble Marquess now, but he should have no objection to do so when he had all the facts and details before him.

The Earl of *Wicklow* was not surprised at the anxiety of his noble Friend to bring forward the present subject, because, in the papers before the House severe accusations were made against him. He wished for an explanation on one point, which was, how it happened that the Council appointed by the noble Marquess opposite (Normanby) to go into the country to investigate the matter, had not made any report? In his opinion, the papers furnished would be of no value without a report, and he hoped, that the noble Marquess would adopt some means of ascertaining the truth of the documents.

The Marquess of *Normanby* said, it was probable that Mr. Brooke, the commissioner, was of the same opinion as he himself was—that the whole was a very trivial matter—that the only thing in the shape of a charge which did or could affect Mr. Sheil's character was done away with. He suspected that Mr. Brooke thought it was not necessary, under the circumstances, to make any report, and perhaps, when the whole of the papers were laid upon the table, their Lordships would be of a similar opinion as Mr. Brooke and himself as to the very trivial nature of this affair. That this was the case in his opinion, might perhaps be some little excuse to their Lordships for his not being able, at the distance of six months, and without notice, to enter into dates and details with perfect accuracy.

Lord *Holland* thought, if the noble Earl felt surprised that Mr. Brooke had not made a report, his astonishment would extend to the whole proceedings of Parliament, for a great number of the Committees, both of that, and the other House of Parliament, had only reported the evidence, and not made any particular report upon the facts. He felt bound to deprecate the motion of the noble Marquess, on account of its being brought forward without notice.

Lord *Cloncurry* said, that not to report was not only the best thing the learned Gentleman could do, but it was almost the only thing he could do. Circumstances, such as occur in every election room, came out in evidence before him, which could not be reported without conveying an unfavourable impression against the humble individuals concerned in them.

The Marquess of *Westmeath* thought that the circumstances of which the noble Baron talked so lightly, constituted, in reality, a very serious case; the magistrates were grievously insulted, and the chief constable was spit upon from head to foot. The noble Marquess had appeared to wish to fix upon him the charge of desiring to convey to their Lordships an impression of an unfavourable nature against certain public men. Now, as regarded Mr. Drummond, he had not stated anything of which he was not prepared to bring forward what he conceived to be satisfactory proof. He was most unwilling to enter into charges against the absent; but that Mr. Drummond was not a member of their Lordships' House, and consequently could not be there to defend himself, was not a reason why he should abstain from doing his duty in that House. He was not in a condition to know that the noble Marquess was in town, and could not therefore give him notice; but he had already given notice to the House of his intention, and he was obliged therefore to bring the matter on. With respect to the testimony of the Westmeath magistrates, he would only observe that Mr. Sheil was never accused of drinking in a public-house, except in the newspapers, in which it was said that he (the Marquess of Westmeath) made a statement to that effect in that House. Now, he distinctly declared that he never said anything about drinking in a public-house; he said that Mr. Sheil had been found in a public-house, and what he stated was true; and moreover, he believed that if it had not been for interference on the part of the Government, every individual concerned in the affair would have been taken into custody, and carried before a magistrate, and fined for being in a public-house after hours, under the Tippling Act. Mr. Sheil was, therefore, acquitted by the magistrates of that of which he was never accused. As to the motion, he had no hesitation in acceding to the suggestion of the noble Marquess, and withdrawing it for the present. But he must not forget to remark, in reply to the noble Marquess's observation as to the course he had pursued that evening, being such as no other noble Lord in their Lordships' House would think fit to pursue; he must say that he had pursued no course but what conscience dictated as his duty, in order to show what was the state of the county of which he was lord-lieutenant; and in reply to the noble Marquess's not very courteous, or rather very rude, remark, he would say, that the Government of Ireland had been carried on in such a way by the noble Marquess as he believed no other nobleman in the peerage would have carried it on.

The Marquess of *Normanby* hoped that, notwithstanding what had fallen from the noble Marquess, that the House would not conclude Mr. Sheil to have been really liable to a conviction under the Tippling Act. When the whole of the evidence and documents connected with the affair came before their Lordships, he had little doubt but they would form nearly the same opinion on it as he himself had done.

Motion withdrawn.

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HOUSE OF COMMONS,

Tuesday, February 19, 1839.

MINUTES.] Bill. Read a first time:—Municipal Corporations (Ireland).

Petitions presented. By the Sheriffs of London, from the Common Council, by Sir Charles Burrell, Mr. G. Wood, Mr. W. Evans, Sir E. Codrington, Mr. Thorneley, Sir G. Strickland, Sir P. H. Fleetwood, Alderman Copeland, Messrs. Hawes, Warburton, Ord, Philpotts, Elliot, Scholefield, Wilshere, Finch, M. Philips, P. Howard, Hindley, Smith, Tancred, T. Duncombe, Clay, Cresswell, J. Fielden, Kinnaird, Hume. Ellice, Grote, C. Wood, the Attorney-General, Lord Morpeth, the Lord-Advocate, Sir C. Lemon, Sir B. Hall, and the Earl of Surrey, from a large number of places, for the Abolition of the Corn-laws.—By Messrs. Burroughs, Broadwood, Cayley, Hogg, Heathcote, Forrester, Blackburne, Gaskell, D'Israeli, Dugdale, Hodges, Handley, Plumptre, G. Palmer, Thornhill, W. Denison, Fellowes, Darby, Fleming and Acland, Lords Hotham and Worsley, Sir James Graham, Lords A. Paget, Sandon, G. Somerset, Norreys, and Darlington, Sir Rowland Hill, Sir C. B. Vere, Sir W. Young, Colonel Rolleston, Sergeant Jackson, Colonel Sibthorp, Lords Mahon and Ingestrie, Captain Alsager, Messrs. Bagge, Eaton, W. Duncombe, Greene, Benet, Maunsell, B. Baring, Fitzgibbon, S. Lefevre, and Christopher, Sir

John Tyrrell, Sir Eardley Wilmot, Sir Charles Burrill, and Mr. Bethel, from an immense number of places, against any Alteration in the Corn-laws.—By Sir Charles Burrell, from the Innkeepers of New Shoreham, against their Liability to make good losses sustained by their Guests; also from the Fruit Growers of Bramber, against the reduction of the Duties on Fruit.—By Mr. Hodson, from a place in Northumberland, for Church Extension in Canada.—By Lord Anson, from a Parish in Staffordshire, and Mr. H. Marsland, from Stockport, for, and by Sir John Mordaunt, from a place in Warwickshire, and Lord Arlington, from Salop, against the Repeal of the Corn-laws.

Corn-Laws—Hearing Evidence.] Mr. *Villiers:* Sir, if I do not commence my address to the House with an apology for incompetency to perform the task which has fallen upon me, it is, I can assure the House, far more from a regard for their time than from any confidence in myself or any want of respect to them, for I can truly say, that unless those on whose behalf I am about to make this application, had not assured me that their cause depended upon a simple statement of its merits, and not upon the talent of its advocate, I should have shrunk from the responsibility which I am now undertaking. They, however, approach this House as men of business, hoping that in that spirit the subject may be discussed, and that all unnecessary topics of irritation will be avoided, and I can assure the House that no example of a different course will be offered by me. In accordance then, Sir, with the notice which I have given, it is my duty to move, that certain persons who have petitioned this House, may be allowed to prove the allegations of that petition at the bar of this House. Who those persons are, what it is that they allege and are prepared to prove, and the grounds on which they are induced to make this application, I will as briefly as I am able, state to the House. The petitioners, then, deeply interested themselves in the subject matter of their petition, have been selected by their fellow-citizens and fellow-sufferers, assembled at great meetings for the purpose, to make known to this House, by all legitimate means in their power, the specific grievance of which they complain. They bring this complaint, chiefly from those vast districts of industry in this country, where the mass of the inhabitants depending for existence on the employment of their labour, expect that employment as much from the demands of people in other countries as from their countrymen around. The names of some places from which the petitioners proceed, will at once make known the interests which they represent. They are as follows:—Glasgow, Leeds, Manchester, Nottingham, Birmingham, Derby, Kendal, Wolverhampton, the Tower Hamlets, &c.; places, the sum of whose population is above two millions, and will be at once recognised as the seats of the great staple manufactures of this country; and here the House, perhaps, will not object that I should glance for a moment at the importance of those interests to the country at large, and I will only refer to those who have now reason to fear danger from the grievance of which they complain; such as the cotton trade, the woollen trade, the linen trade, and the hardware trade: though all trade is deeply affected by the question. According to the most authentic estimate which I have been able to consult, I find that on the cotton manufacture, in this country, there are not fewer than 1,500,000 persons dependent for occupation, that the amount of capital employed in it is valued at 20,000,000*l.* sterling, that nearly 17,000,000*l.* are paid in wages, that the whole value is above 34,000,000*l.*, and that we export of this article two-thirds in value, and three-fourths in quantity. The woollen manutures I find valued annually at 27,000,000*l.* of which one-fourth is annually exported. The number of persons to which it gives employment is nearly 400,000, receiving in wages about 8,750,000*l.*, and the annual amount of English wool consumed is 108,000,000lbs. The value of the linen manufacture is about 8,000,000*l.*, and the wages to persons employed by it about 3,500,000*l.* The annual value of our hardware and cutlery is about 1,700,000*l*, and the people employed in it 300,000, and whose prosperity must mainly depend upon the foreign demand. In all the principal districts where these manufactures are carried on, there have been large and open meetings held for the purpose of affirming the allegations of this petition, and in nearly all has the strongest desire been expressed that some more careful and decided attention should be directed to its subject by the Legislature than has yet been given, and I have deemed it right thus faintly to describe the importance of these interests, that the House may see that it is no inconsiderable or insignificant party who are now asking its attention. I now come, Sir, to what it is that these parties allege, and ask liberty to prove—and here I hope the House will be careful to distinguish between what it is they do allege, and what it may be said that they allege. They complain then that of late years they have had to observe a striking change in the character of their dealings with other nations, who used to be their customers, that once valuable friends have become alarming rivals, that this change is prejudicial to the country—and they say farther, for it is that on which they rest their claim to your attention, namely that you have done this! In plain terms that the Legislature by denying to them the liberty of exchanging with other countries their manufactures for the articles which those countries have in excess, and were desirous to offer in exchange, namely, human food—that they have compelled those countries to divert their resources from the production of that article in orrder to satisfy their own demand for manufactures. This they say the Corn-Laws have done, and that not only have they turned away our customers, but that converting those customers into competitors, they now threaten to render us unequal to the struggle. The points, therefore, which the petitioners have, on the part of the productive classes, to prove, are, that there is a most active competition going on with ourselves in other countries, that this has been chiefly occasioned, and that it is now greatly favoured, by the operation of the Corn-laws, that should this competition extend itself in a ratio proportionate to that which it has reached within a given time past, that the result will be fearful to the whole country, but peculiarly so to the industrious classes, whose condition will be affected by it either in serious deterioration or destitution. They do not, however, in this stage of their proceeding, ask you to repeal these laws, or to tell them why you will not repeal them; but they say, that as these are the important consequences to them of these laws, and as the facts which prove them to be so, do not fall necessarily within the notice of a majority of this House, or are admitted by them to be true; they ask you to be allowed to place them beyond question. There is nothing, they say, which takes their case out of the sphere of distinct and specific proof, and there is nothing to preclude them from completing that case within a limited period. They have only to report to you the experience which has been forced upon them, and which experience they would hope, when known, would have weight on your judgment in deciding upon the general question. They do not come here to tell a sad story of great and general distress; they do not come here to excite your pity at their losses, or to inflame the passions of the people at their wrongs, but they desire to apprise you, as reflecting men, having a sense of the obligations imposed upon you by your trust in this House, of those indications of coming evil which, though, through their interests, they may be the first to feel, could only arrive to be shared by millions of your fellow countrymen. What it is then, in the first place, which I believe to be within the possibility of proof is, that the tariffs of duties on our goods which have been imposed by other countries, in order to foster their manufactures, and by which our manufactures are in some cases entirely excluded, and in others much prejudiced by additional price, were only imposed after repeated remonstrances by the government of those countries at our own restrictive system. That for twenty years past in the north of Europe, and before the year 1824 in America, the laws which restrict, and sometimes prohibit, the trade in food, have been the constant theme of complaint by those countries which had that article to offer us in exchange, and that both through Germany and America, "take our corn and we will take your manufactures," has been the basis upon which they have always desired to negociate with us—nay farther, so averse were the people of those countries to reject our manufactures, and so little encouragement did they think the circumstances of their own countries offered them to become our rivals, that their governments could only reconcile them to these retaliatory tariffs by representing in the most striking colours what they termed the selfish and arbitrary character of our policy, requiring of them to take our manufactures, and refusing to take their surplus products in exchange. And if the official journals of the time in those countries were referred to, it would be found, that they teem with abuse of us upon this ground. The first great step to be taken by any people in directing their interest to manufactures, in rivalry with an older manufacturing country, under all the disadvantages which the neighbourhood and established superiority of that country placed them, must distinctly, and without dispute be placed as regards us at the door of the Corn-law, and all that we have lost in employment of our labour, and profit upon our capital, and in good will between ourselves and those people, from our present commercial relation with them, must be referred to those impolitic laws. But it was not in the nature of those laws to be limited in the mischief they produced, and it was in the necessary operation of the system that while it lost to us our customers, and made them competitors, it gave them an advantage in the competition, for they not only had the benefit of the additional price in the amount of duty added to our goods, but they had the benefit in all matters in which the cost of living would enter at all into the cost of production, that we were obliged to live at double the price that they are enabled to live. And it is what your petitioners now desire to shew that those people have seized the advantage which we conferred upon them, and that in all articles of manufacture into which the cost of living enters into the cost of production, they are at present employing themselves in competition with us. This is no vague and general statement. They are ready to specify the countries where this has occurred, to describe the very articles in which it has been observed, and to verify what they allege to have been the cause of that change. They will prove, that in some countries the difference in the cost of living, which the Corn-laws occasion, enables them to supply themselves with articles which they formerly received from us, and further enables them to compete with us in neutral markets. And here I must ask the attention of the House, to some facts, which are the tests by which the petitioners most desire to be tried, for it is not difficult to hear persons who have no interest in this matter, prejudge the case by assuming, that whatever may be the burthens imposed upon the British people, yet so superior is their productive power, and so superior is British skill and enterprise, that we must be ever beyond the reach of competition. Now, Sir, the first fact, that I would mention to show that our monopoly has not been maintained, is, that it appears by comparing the average value of our exports for the last five years with that of the five years succeeding the peace, that they have declined 20 per cent., and though it should be said, that the difference in the value of the currency may in some degree account for the diminution, yet let it be admitted, that they have been stationary, and it serves equally to show, that we have been unable to maintain our ground. But if our export trade has diminished or remained stationary, has that been the case with other countries? We find, on the contrary, that the exports of France have increased more than fifty per cent., while those of the United States has increased seventy-five per cent. But, passing from general to particular let us examine how far the cotton trade alone will illustrate our position, and when we have seen what hangs upon this gigantic business, and what fearful consequences might follow from its loss, the facts connected with its danger must be of the deepest import. The first thing then to observe, is, that from 1770 to 1814, England had the monopoly of the cotton trade, and that we had nothing to apprehend from competition by any other country. America owing to a previous error in our policy had alone, perhaps, taken any step in rivalry with ourselves, and what did she consume? why barely 100 bales. What is now the case? America now consumes 320,000 bales, France 350,000; Switzerland 50,000, all other countries 150,000 making a total of 870,000 bales, which nearly equals the total consumption of England. Here, then, we see, that though we had the monopoly in this trade, but little more than twenty years ago, that we have it no longer, that we have lost it. It shows, also, that other countries have been able to stand their ground, and are now fairly launched into the world in competition with us, and that we have now to consider not whether we shall retain a monopoly, but whether we are in a condition to run an equal race; and it is for those who contend, that we are still doomed to excel, to account for the reason why other countries should have increased in greater ratio than ourselves, and how, if we do not proceed on equal terms, we are to maintain our ground at all. It is here then, for us to consider whether we are on equal terms, for on that, at least, we must depend in future. Now, in comparing ourselves with America we find her possessed of two great natural advantages, namely, proximity to the raw material, and cheapness of power. These have been made the subject of precise calculation. The proximity to the raw material is estimated as amounting to ½ a pound which is equal to about 7 per cent., while the difference in the water power and steam power here and in the United States is as 3*l.* 10*s.* to 12*l.* 10*s.* per horse. Those are her natural advantages, and may be considered equal to those which we possess (in the coarser fabrics) from more perfect machinery and from larger capitals; but what advantages has she besides, but which we confer upon her by injuring ourselves? Why, not satisfied with the greater distance at which we live from the raw material, upon its arrival at our shores we impose a tax upon it, and we next enhance the price of flour, a vast amount of which is used in the cotton manufacture, and by the same means, namely, the Corn-laws, render the cost of living in this country higher than in any other country in the world. Under these circumstances I say, we should expect that in the products in which the raw material chiefly enter into the cost of the article, that America would be able not only to compete with but to supersede us. Let us examine the results. We find, that in the first place, such has been the strides that she has taken in this manufacture, that she consumes now as much cotton as we did in 1816, and has been increasing in her manufactures in a ratio greater than ourselves in the proportion of 65 to 40 per cent. We find from a report made to Congress a few years since, that she cannot employ less than 50,000 power-looms, and being chiefly devoted to the production of the coarser fabrics, is about the same number that we employ in this country for the same purpose, being about one half of the whole number in use in this country. Now let us hear what competent witnesses engaged in the trade here and in America tell us on the subject, and I will here refer to a work which has been published with the authority of all the principal cotton manufacturers in Glasgow, &c., and which contains evidence on oath, and has been collected under circumstances which render its credit unquestionable. I will first read an extract from the evidence of Mr. Kempton, a Massachusets manufacturer, who was examined before a commission under the crown appointed for another purpose:—

"Could the American goods be afforded at a lower price than the English goods?—Yes; I have understood, that we have sent goods to India, where we pay an extra duty, and still undersell the English."

Same witness examined before the factory commissioners.

"What is the nature of your manufactures?—Spinning and weaving coarse yarns.

"Is any of it for exportation?—Yes.

"To what markets?—South America, West and East-Indian markets.

"Do you find, that you can compete successfully with British manufactures of a similar kind in the same market?—Yes, although we labour under some disadvantages.

"And notwithstanding these drawbacks, you can compete with us?—Yes; and not only so, but are gaining ground upon you, and have already excluded you from some markets.

"From what markets?—Some of the Mexican and South American. Several of our largest establishments have contracts pending for a long time forward for those markets at prices which would not give a fair return to the British manufacturer, but are very profitable to our manufacturers.

"You say this from having ascertained, during your visit to Manchester and other manufacturing districts in this country, the exact state of the relative prices?—Yes."

Mr. Timothy Wiggin, an American, largely connected with the United States, by business, and also interested in the cotton manufacture there.

"Have you been many years engaged in the cotton manufacture?—I took an interest in those manufactures many years since.

"Has the cotton manufacture in the United States prospered of late years?—It has; it is now prosperous.

"Do you think there is any probability of their being able to compete with us in any articles in a third market?—The manufacturers of certain descriptions of cotton goods find a demand for their fabrics in South America, and also at Smyrna and Constantinople.

"Is that the particular description of manufacture in which you are engaged?—It is."

Mr. Joshua Bates (an American) manufacturer, and also partner of Messrs. Baring, Brothers. "Do you know whether the returns of the cotton manufactures of the United States have of late been profitable or not?—I have various means of learning, that the cotton manufactures are profitable.

"That the capital invested in the cotton manufacture some few years ago, has yielded a fair return?—It has

"Is there not a considerable export from the United States of America of manufactured cotton?—There is an exportation which has been very considerable of common coarse cottons.

"You are aware, that America possesses all the resources and elements necessary to become a manufacturing country in a very superior degree?—Undoubtedly she does.

"And that all the improvements and inventions existing in European countries, will, and do, find their way into the United States?—Certainly,"

Mr. William Graham of Glasgow, (a manufacturer)—"Do you find any foreign competition that affects profits?—Yes, we find now in all foreign markets a competition in our stouter fabrics by the American manufacturers.

"What description of goods do you make?—Principally the heavy domestic fabrics.

"Do they meet you in the East-Indian market?—Yes, within the last twelve months we have heard of their being brought into the market of Calcutta, and underselling our goods even there, where they pay an extra duty.

"Do the Americans export those manufactures considerably?—They do.

"Do you find the competition of the American manufactures increasing upon you in the places to which you export?—Everywhere.

"In what parts of the world?—In Mexico for the last five or six years largely; in the Brazils considerably; Buenos Ayres, round Cape Horn, at Valparaiso, considerably. In Manilla and Sincapore they have also made their appearance; also at St. Domingo.

"Do they come into competition with you in the Mediterranean, or in the German markets?—We have done little in the Mediterranean for some years. At one time we had complaints from Malta, that the American manufacturers had interfered with our sales."

Mr. Kirkman Finlay, of Glasgow (a British manufacturer)—"Are you aware of the progress within the last few years of the cotton manufacture in the United States of America?—I have seen a great deal of correspondence upon the subject.

"Has it not increased very much in the last ten years?—It has grown up since 1814.

"Are you aware whether there is, or is not an export trade in manufactured cotton from the United States?—I am aware there is.

"Are you aware to what countries domestics are exported from America?—They have been trying them in all countries. They are a very active, industrious, and enterprising people, and there is scarcely any country they visit where they do not take some of them. I should say from my own knowledge, especially in Turkey and South America, and I have understood they have taken some to India.

"Looking at the United States with reference to its advantages or disadvantages, is it your impression, that nothing can prevent the progress, more or less rapid, of the manufacture in that country?—Clearly. I think nothing will withdraw them from that manufacture, that it will increase more or less rapidly, according to circumstances, and that it will be formidable."

The next witness (Mr. Wm. Gemmell) gives his evidence on oath, and is peculiarly striking—because, besides having his own establishment in Valparaiso, he also spun and wove by power his own Domestics in Glasgow. He deposes, that for several years past, he has been in the habit of manufacturing cotton Domestics, a class of cotton goods of more extensive consumption than any other sent to Chili; "and that latterly, he has been obliged to abandon the manufacture of such goods, after persevering for a considerable time in an unsuccessful competition with the manufacture of the United States, although he combines in his own works, both the operations of spinning the yarn and weaving it, thus enabling him to ship his goods at the lowest possible cost in this country; and although he has also the advantage of having them sold by his own partners abroad." I will not (said the hon. and learned Member) detain the House with other evidence on this subject, though I may say, that the work to which I refer, which was published to show the impolicy of the cotton tax is replete with evidence to the effect, that the cotton manufactures in America are gradually progressing, and are coming into neutral countries in competition with us. There is one more witness, however, who states a fact which, as it bears upon this question, I will quote. It is that of a Glasgow manufacturer, acquainted with the American market:—

"Do you conceive, that there are any other burthens in this country affecting you, the absence of which in America enables their manufactures to come into competition with you?—Yes; there is another direct duty which comes heavily upon us, and that is the duty upon foreign wheat and flour used in our manufactures.

"What do you suppose is the increased cost to your manufactory arising from the duty on flour?—I should think we pay in duty on flour 600*l.*, to 700*l.* a-year."

To which was appended this note—

"The extra annual cost during the ten years prior to 1835, of the British cotton manufacture, for flour used in weaving and bleaching, above what the same quantity would have cost the manufacturers of the United States and the Continent of Europe, estimated according to the ratio of the difference of the average prices of wheat in these countries, and in Great Britain comes out at 175,000*l.*"

What I have here read must satisfy the House, that the Americans are now our active rivals in this branch of manufacture; and that if we intend to compete with them, and succeed, that we must not fetter ourselves with disadvantages to which they are not subject. But let us now turn to the continent, and observe what is passing there, that should set us at ease with respect to competition. I will first look at the country that is most wanting in the local advantage that we possess, I allude to Switzerland, which is 800 miles from the coast, but where living is cheap, the raw material is not taxed, the necessaries for manufacture not artificially enhanced, and with a natural advantage of water power. We find that though formerly we supplied her with goods and yarn that she now takes but little from us, but the results of the finer processes of our machinery, and that she not only supplies her own wants, but exports three-fourths of what she produces, and meets us successfully in the Italian, Levant and North American markets. I will not weary the House with the extracts from evidence which would establish this fact, though I could at this moment satisfy the House, from documents that I have with me, but I will undertake to say, that facts of this nature shall be proved at the bar.

We will now look to those countries whose raw products we refuse to take as in the case of Russia, on whose corn and and timber we place high duties, and who have retaliated upon us. We find that to Russia we exported in 1820, 1,300,000 yards of cotton cloth, and in 1837, 850,000 yards. In 1820 the whole exports, (declared value) was 2,300,000*l.* in 1834, 1,382,300. Now I wish any person who doubted of the importance of maintaining entire the foreign trade of this country would here reflect upon the misery that might have been saved, and the wealth that could have been created in this country had we continued to supply that country with the goods which she used to demand of us, and had thus been able to give employment to our artizans, who would have exchanged the results of their labour for a greater abundance of the necessaries of life. If any man reflects upon the misery he has witnessed at times since the peace in our manufacturing districts for want of employment, he would come to a decision upon this case with more anxiety than perhaps he will now. We now turn to Germany, where formerly we exported goods which gave great employment to labour in this country, and where we have so especially driven the people to become manufacturers for themselves, giving them the advantage of our cost of living, and their duties upon our goods. In 1833,the yards of cotton cloth exported were 29,631,351. In 1834, 11,045,112 yards; in 1835, 10,037,100; in 1836, 7,673,020; in 1837, 5,889,957 and in 1838, only 5,562,333. Now it will be said perhaps that the whole exports to that country have increased, but what consolation is that to us, if those exports have been swelled chiefly by those materials that enable those countries to manufacture for themselves the goods that we used to export to them, when we know that the same circumstances which favour their manufacture of those articles will encourage and enable them shortly to dispense with those other materials from this country, and perhaps there is nothing more striking in the present state of their manufacturing condition, than the arrangements that are at this moment so actively proceeding for making machinery. But, perhaps, to show what can be achieved by a country on the continent, in competition with us in our present burthened state, the case of the hosiery trade, as the best in answer to all these speculations on the inability of the people of the continent to equal the English in the productiveness of their labour—we find here, that though the machinery in this trade in England has increased 10 per cent., the machinery in Saxony has doubled every six years; that though at the peace we had the monopoly of the world in this trade, in 1838, the export of England was only 447,291 dozen, while that of Saxony was 150,000. While we have not increased our exports in the last nine years, those of the Saxons to the United States are as follow:—"The exports from the Hanse Towns in 1827, into the United States, were valued at 96,821 dollars; in 1835, they had increased to 414,718 dollars, or more than 300 per cent. increase in the nine years. The comparative exports to the Havannah present much the same disparity. British exports into the whole foreign West India Islands, including Cuba, in 1833, 21,270 dozens; exports of Saxon hosiery from the Hanse Towns to Cuba alone, in 1838, 69,027 dozens. Exports of British hosiery to Peru:—In 1827, 29,810*l.*; in 1831, 19,605*l.*; in 1832, 16,918*l.*; in 1833, 11,400*l.*; in 1834, 8,760*l.* sterling. All ports open equally to both, present much the same increase. And now the Saxons export to the United States alone more hosiery than we export from Great Britain altogether;" and there is a fact more startling than any other perhaps, that the Saxon hosiery comes into this country, though at an additional expense of 25 per cent., and actually undersells our own hosiers. Now, if this be the case already in one branch of the cotton trade, I want to know why it may not be the case in every other? It proves that there is nothing that incapacitates foreigners from competing with or excelling us, and shows that they are acting with an advantage over us. What has been alleged of the cotton trade I fear may be said of every other branch of trade, that foreigners are engaging with success in all of them with ourselves, and it depends upon the advantages we respectively have, whether we are able to maintain our ground, and who will venture to say that the same success that attended us in this very trade when the monopoly was in the hands of the people in India, will not attend foreigners, who are now competing with us, for what was it that secured to us the advantage we have since possessed, but economy in production, and what is it that we have to fear from our competitors but a similar advantage? for there is this peculiarity about manufactures, that whoever produces the cheapest must command the markets of the world. The woollen trade and the linen trade afford much of the same evidence as the cotton, namely, that foreigners are now manufacturing goods, that they are dispensing each year more with these articles than they used, and that they chiefly demand from us the materials of manufactures. The following statement I will read to the House, as having been drawn up by one of the persons most extensively engaged in the woollen trade:—

“The woollen manufacture of England has already suffered materially, and is threatened with still more serious injury, from the competition of continental rivals. In proof of which the following facts are offered:—

“1. Until a few years ago the English buyers at the great German wool fairs predominated so much in number, and in the extent of their purchases over the buyers of other countries, as to rule the prices; but within the last few years, the German and Belgian buyers have exceeded them in their purchases, being able, from the flourishing state of their manufactures, to afford a higher price for the article, and the English buyers are now regarded as of small comparative importance.

“2. The exceedingly rapid growth of the woollen manufacture in Prussia, and the other countries of the German Commercial League, is shown by the fact, that five or six years since, the quantity of German woollen cloths exhibited for sale at the Leipsic fair was only 50,000 ends (an end being half a piece), where last year the quantity exhibited was 350,000 ends; being an increase of 600 per cent.

“3. That, independent of the duty laid on English cloths, in Germany Prussian cloths are sold much cheaper than English. English fine woollens are excluded from Germany and several neutral markets; and as soon as the Prussians can sufficiently extend their manufacture—which they are doing with astonishing rapidity—they will beat the English in all neutral markets, and probably in the home market of England itself, notwithstanding the import duty on foreign woollens in this country.

“4. That the increase in the continental manufacture of wool is shown by the fact, that foreigners purchase a very increasing quantity of the wools of England and Ireland, of which formerly the home manufacturer had the exclusive use. The export of British wool in 1838 was of the declared value of 432,000*l.*; whereas the average of the four years preceding was only 274,000*l.* This, therefore, shows an increase of fifty-seven per cent. in the exportation from Great Britain of the raw material of the woollen manufacture.

“5. Quantities of wool and woollen yarn forming the raw materials of manufactures, exported from the United Kingdom,

“WOOL.

“Ann. average of—
1825, 1826, and 1827.—178,035 lb.
1835, 1836, and 1837.—3,744,295 lb.

“WOOLLEN YARN.

“Ann. average of—
1825, 1826, and 1827.—154,567 lb.
1835, 1836, and 1837.—2,472,410 lb.

“And it not only proves an increase in the manufacture abroad, but the competition for the article raises the price to the home manufacturer.

“6. The decline of the British woollen manufacture is proved by the exports of last year compared with the average of the four preceding years.

“EXPORT OF BRITISH WOOLLENS.

	£
“Average of four years from 1834 to 1837	6,542,000
In 1838	6,157,000
Decrease	385,000

“Ten or twelve years since Belgium and Switzerland were excellent customers for manufactured goods; and, although the French had prohibited English manufactures, vast quantities ultimately found their way into the French market, being smuggled in both from Switzerland and Belgium. Now, France supplies these goods to Belgium, Switzerland, and various other parts of the Continent, as well as to the United States and South America. This applied to the finer kind of goods, on which most labour had been bestowed, and which yielded the highest profit to both manufacturer and the workman. We were every day doing less in fine goods; the inferior and less profitable goods were almost the only kind for which there was any demand.”

To this, I may add the exports to Germany, of woollen goods before and after the Tariff.

Exports of Woollen Cloths from the United Kingdom to Germany:—

1832	17,855	1835	12,948
1833	17,790	1836	9,942
1834	12,182	1837	6,073
Average—15,942 pieces before the Tariff.		Average—9,654 pieces since the Tariff.	

Exports of Woollen Goods used for wearing apparel, exclusive of worsted stuffs, from the United Kingdom to Germany.—

YEARS.	Cloths of all Sorts.	Napped Coatings, Duffell, &c.	Kerseymere.	Total of these Three Articles.	Three Years Average before and since the Tariff.
	Pieces.	Pieces.	Pieces.	Pieces.	Pieces.
1832..	17,855	13,030	21,101	51,986	38,423
1833..	17,790	5,530	13,562	36,882	
1834..	12,182	5,511	8,709	26,402	
1835..	12,948	6,362	7,993	27,303	
1836..	9,942	7,147	6,984	24,073	24,394
1837..	6,073	11,909	3,824	21,806	

Total Woollen exports, including worsted stuffs, to Germany.—Declared value.

1832 . . .	£816,718	672,528*l.*	1835 . . .	631,177	646,207*l.*
1833 . . .	634,916		1836 . . .	581,837	
1834 . . .	565,950		1837 . . .	725,607	

Exports of Wool and Woollen (worsted) Yarn, from the United Kingdom:—

YEARS.	BRITISH WOOL EXPORTED.		WOOLLEN YARN EXPORTED.	
	Quantity.	Declared Value.	Quantity.	Declared Value.
	lbs.		lb.	
1820..	35,242	.. ..	3,924	.. ..
1821..	34,226	.. ..	9,121	.. ..
1822..	33,208	.. ..	12,515	.. ..
1823..	28,563	.. ..	6,423	.. ..
1824..	53,743	.. ..	12,640	.. ..
1825..	112,424	.. ..	76,961	.. ..
1826..	143,130	.. ..	131,032	.. ..
1827..	278,552	.. ..	255,708	.. ..
1828..	1,669,387	.. ..	426,722	.. ..
1829..	1,332,097	.. ..	589,558	.. ..
1830..	2,951,100	.. ..	1,108,023	158,111
1831..	3,494,275	.. ..	1,592,455	235,307
1832..	4,199,825	.. ..	2,204,464	246,204
1833..	4,992,110	.. ..	2,107,478	238,544
1834..	2,278,721	.. ..	1,861,814	309,091
1835..	4,642,604 Average 274,000	.. ..	2,357,336	358,690
1836..	3,942,407	.. ..	2,546,177	333,097
1837..	2,647,874	.. ..	2,513,718	365,657
1838..	.. ..	432,000	.. ..	.. ..

I will now read a letter from a person connected with the woollen trade at Stroud, which tends to show the effects of the losing any branch of trade which affords employment to labour;—

"It is an alarming fact, that in the last twelve months we have sent many hundreds of our best workmen to foreign countries, thus having our hands and mills burdened with the aged and disabled. In April, about 400 are expected to leave for Australia, in consequence of being unable to maintain their families at home. At present we have hundreds, and many hundreds too, of good cottages vacant in this immediate neighbourhood; and I am persuaded this state of desolation will continue to increase if the laws, as they are, remain in operation. My opinion is, that if the Corn-laws are entirely abolished, we shall in a few short years require at our manufactories the surplus population who are now starving for want of bread. But apart from the interested view we take of the subject as men, is it not a most wicked law to tax the staff of life which God promised to man, and to every man if he would labour for it; and has not Solomon said, 'He that withholdeth corn the people shall curse him?' "—Letter dated Stroud, February 12, 1829,

The linen trade affords also an example of the same observations, that the material for manufacture has been exported in greater proportion than manufactured goods. The linen trade affords also an example of the same observation, that the material for manufacture has been exported in greater proportion than manufactured goods.

LINEN.

	Goods.	Yarn.	Total.
1834	2,443,346	136,312	2,579,658
1835	2,992,143	216,635	3,208,778
1836	3,326,325	318,772	3,645,097
1837	2,127,445	479,307	2,606,752
1838	2,919,719	655,699	3,575,418

But, Sir, if we have reason to apprehend, that we shall no longer have the advantage of clothing the rest of the world cheaper and better than any other country, have we any reason to expect that we shall retain that valuable branch of our manufacture the hardware and cutlery? I believe, that no branch of the inquiry into this matter would startle the House more than what it would elicit on this subject; for though men are reluctant now to speak out so fully as they would as to the fearful competition to which they are subjected in this respect, that they are undersold in the other countries, for fear of advertising their misfortunes; yet, as the facts are sufficiently notorious in the trade, they could not withhold them upon inquiry. I will here read an extract from a factor's letter, who has extensive dealings with different parts of the world, and who is ready to verify at the Bar of the House every statement in the letter:—

"Feb. 15, 1839.

"My dear Sir—With respect to our hardware articles of this neighbourhood, many are making less quantities than they were used to do, in consequence of some of the foreign markets being closed to us by manufacturing their own goods, or by prohibitory duties, such as the Prussian league affords. A great many articles manufactured in this town and the adjacent ones were annually exported to the emancipated states of South America, but this market is fast closing upon us in consequence of the rival and fast spreading manufactures of Westphalia, Saxony, &c. Some eighteen months ago I saw a considerable quantity of samples of locks, bolts, screws, knives, coffee and pepper mills, hatchets, cutlasses, &c., with manuscript drawings of other wrought-iron goods. These were offered for sale at a merchant's house in London, and delivered free at Hamburgh. Many, indeed most, of the prices, were under ours. They are much improved in finish and quality since I inspected them, and that as they have increased in these qualities, they have declined in prices —so much so, that they have supplanted the British artist in not only the South American market but in North America and Western Europe. I have received a letter from the principle clerk of an establishment, informing me that the Dutch East India Company were now buying many of the articles (our hardware) from the Germans to our exclusion. The fact is, we used to supply this establishment with locks and brass foundry for the Dutch settlements, which we have now ceased to do, in consequence of our being undersold by the German makers. There are now orders in this town from Mexico, and other parts of South America, which cannot be executed, because our present prices exceed those of foreign manufacturers. This is the consequence of our artisans being compelled to live on food more than fifty per cent. dearer than the foreign workman. Within these ten days I accompanied a factor to Willenhall, who had an order for sixty dozen of gridirons, for a foreign country; he was limited in price by an offer from a new manufacturer in Belgium to his customer, who had had these articles from him before. On presenting this order to his usual workman, the man said, 'Sir, I cannot make them at the price you offer me; iron is dearer than when I made you the last lot, and I and my workpeople are worse off, having more to give for our bread and bacon. How can you expect me to make them at the same price?' 'What you say is too true, but if I cannot buy them rather lower than before, I must not send them.' After a pause, the poor fellow deplored his inability, but he agreed to 'try his hands (his workmen), for,' says he, 'they must either do this order at the price offered, or they must have nothing to do for two or three days in the week. I must get the difference out of our blood and bones (harder labour) by working fifteen or sixteen hours instead of twelve or thirteen, as we used to do when I first began to work for myself.' Now this is literally the fact. Our poor fellows are compelled to labour more hours for the same wages, and fare worse as the produce of their own labour will not purchase as much food as their regular labour used to do. What if the staff of life were equalised here and abroad (or as near as the charge of conveyance, risk, &c., would allow), would be the comparative condition of the home and foreign workman? Why, the very article here in question was made at the same price thirty years ago, and then subject to a discount of twenty per cent., whereas now they are subject to sixty per cent. off the same rate of prices. Wheat was then about 60*s*., and iron rather dearer than at present. Observe, gridirons are not made by machinery, therefore labour, and labour only, pays the difference. The article of matchets, a tool shaped like a sword, for working in sugar plantations, and also of hoes, for the same purpose, are at this time manufactured in Westphalia at from thirty to forty per cent. under our prices, and quite as good an article. I am in possession of a foreign (Berlin) printed book of articles (hardware) manufactured in Germany, for the supply of the North and South American market, as well as the European, delivered free of carriage at Hamburgh, at prices in many instances under ours, in close imitation of British, and on some of the articles our crack makers' names are stamped. These very things are sold by samples in London, Liverpool, Bristol, &c., for exportation, and are shipped at Hambro' direct for their foreign destination, to markets where our home-made goods, bearing the same makers' names, observe, are by such means excluded. The hardware manufactures are principally carried on at Sollingen, Remscheid, and Hagen, in Westphalia, and the nearest point of access to them for England is through Dusseldorff on the Rhine. A Sheffield gentleman was with me a short time since who had visited the manufactures of Prussia, Saxony, Westphalia, and Belgium; he assured me they were extending their workshops very fast, and improving vastly in every article they undertook. A large manufacturer in Germany, and president of their board of trade, assured my friend they were determined to become manufacturers on a large scale, and that they took their rise from about the time our Corn-laws began. They were smuggling goods into Russia, the Slito (I think he called the name of the town), in the Isle of Gotland, in the Baltic, and the Russian authorities winked at it. There is a manufacturer of locks, &c., in Walsall, who has for some years confined himself and a large shop of workpeople to make for the South American market only. He has now very little to do, and his trade has been gradually falling away in consequence of the opposition the exporters of his articles meet with from foreign makers. Had the South American markets not been opened to our enterprise, I am persuaded this Corn-law question would have come on much sooner than it has, and now that market is diminishing in its demand from us, we shall feel the effects sensibly every year. Are you aware the German manufacturers have established dépôts at New York, Philadelphia, Boston, &c, for the wholesale sale of their home made hardware goods, and that they are supplying cutlery at prices under the Sheffield makers, as well as many kinds of our goods? In short, foreign manufactures are increasing and will increase, so long as our land-owners prevail and persevere in their selfish policy."

I will now read a letter from Birmingham, from a merchant engaged in the general trade:—

"Birmingham, 17th Feb., 1839.

"The United States now import from the continent of Europe large quantities of the following articles, which they formerly procured solely from Birmingham;—

"Metal Buttons, of all descriptions, gilt, plated, &c., formerly a staple article in the Birmingham trade; now obtained almost entirely from the Continent, at a lower price.

"Spectacles, of all kinds; formerly in very extensive demand, now superseded by the cheaper German article.

"Needles and fish-hooks, marked with the names of the most celebrated English makers, are now imported extensively from Germany.

"Locks of all descriptions, but especially the finer qualities, are imported from St. Etienne, near Lyons. There is much more finish bestowed upon the locks and keys than the English manufacturer can afford at the same price. The present demand from this country is chiefly for the common qualities.

"Fowling-pieces and pistols, of high finish, are now principally imported from France and Belgium. The manufacturers of the Continent undoubtedly excel us in those guns whose chief value consists in the workmanship.

"Pins are imported from Germany in much larger quantities than formerly.

"Brass battery kettles are made much cheaper on the Continent than in England, and the imports are chiefly from the former country.

"Scythes, straw-knives, sickles—formerly imported only from England, are now made cheaper, and as good, in Germany; and our sales of these articles are much diminished.

"When I first visited New York, in 1826, there were, in that city, two or three German houses, who, (amongst other articles which they imported from their native country) received, every season, a few packages of assorted German hardware. The articles, however, were so inferior in finish, and so different in style and shape, from those which the Americans had been accustomed to receive from Birmingham, that, in spite of the greater cheapness of the former, the English article was still preferred.

"In 1837 and 1838, I was again in New York, and discovered, to my surprise and mortification, that there were many extensive establishments for the exclusive sale of German and French hardware goods, resembling in pattern, equalling in quality, and surpassing in cheapness, similar English articles, of Birmingham, Sheffield, and Wolverhampton manufacture.

"The quantity and variety of Continental articles now substituted for English ones are rapidly increasing

"The principal articles whose sale we have lost, by the competition of American manufacturers, are axes, hatchets, and many kinds of edge tools; carpenters' hammers, gimlets, augers, &c.; brushes of all descriptions."

In the former letter that I read, I fear the poor mechanic referred to, stated what we must expect to occur if we are to experience this competition, that wages will be reduced, and that the effects will be felt in the blood and bones of the working classes. This is the natural operation of a losing trade, and I know nothing more shocking to contemplate, than the struggle that will be made at the expense of that class. How much more might I have detailed to this effect to show that these results from competition have already commenced! but I feel that I ought not to weary the House with further details. It is impossible to do more within the limits of a speech than to give an outline of the evidence which is ready to be submitted in support of the case; but be assured, that there are details in abundance of this kind that will both shock and startle those who are willing to listen, and who are now uninformed It has been my purpose only this evening to satisfy you that the petitioners have good ground for their application to inform the House of the operation, on the manufacturing interest, of the Corn-laws. I think I have stated enough to prove to you that there is a case most deserving of inquiry at least, and that there is a strong presumption in favour of the fact, that we are compelled by the operation of the Corn-laws to engage in competition with our neighbours, fettered and on unequal terms. And now, Sir, I shall proceed to the last subject of my address, namely, the ground on which the petitioners have asked you to institute an inquiry, to use the emphatic language of the Nottingham petition, "not in the seclusion of a committee-room, but in the face of the whole representation of the United Kingdom." That request is, in my opinion, a just one; I hope to show it is a reasonable one; and I trust you will deem it advisable to accede to it. The reason, in my opinion, why so many are anxious for this mode of inquiry is, that they believe, that the subject is most deeply important to every class of the community, and the petitioners would be fully able to establish their case; and they believe, and I think it cannot be disputed, that between two modes of inquiry which this House can institute—namely, by a Select Committee and a Committee of the whole House—that while the latter is calculated to attract and excite the public attention, the other is only fitted to allay or divert it. That while the one is bound to satisfy those who have sought its judgment, the other is sure to satisfy none, from the nature of its composition. In short, while one is the fullest and fairest the constitution admits of, the other is open to suspicion: and I do think that the people come here with a good grace to ask of the grand inquest of the country to give a full and fair inquiry into their grievances, considering the interest it involves, and the time it has endured. They cannot be said to be affording a dangerous or inconvenient precedent—for where is the case like it? They cannot be told that they are desirous of changing a law of which there has not been sufficient experience, or that they ever approved of, for they come here rather to prove, that all they predicted of its consequences a quarter of a century since has been verified, and that their anticipations of evil have been realized; and now, when they are themselves hourly feeling its effects in a stronger degree, they ask you only to hear the evidence of the facts which would show that to be the case. Upon what possible ground can you refuse them this request? This really is no trifling matter, and I trust it will not be lightly dismissed. It is the case of the great body of the middling classes, and the most reflecting portion of the working class, who appeal to this House. They do not come here with intimidation—they offend you with no menace, they proceed with no violence—but, on the contrary, even with consideration for, and deference to, your supposed opinions. It is the same Parliament, that refused to alter the law of last year; and they do not come now to you at once, and hastily, to ask you to repeal the law, but they request you to hear the grounds on which they made the demand, and on which they think, that you ought to reconsider your decision. Let me ask what does any reflecting man imagine will be the advantage of refusing the inquiry? Do you think, that the numbers of men who have stepped from the business of their usual walk, and for three months past have been actively devoting their attention to this subject, will at once abandon their opinions, because you reject their petition for inquiry, and refuse to alter the law? Does anybody believe, that those who have not the patience of the persons who only seek the repeal of the Corn-laws, and who, despairing of justice, say, that there is no hope of redress from this House as it is constituted at present, will at once abandon that opinion, because you refuse to hear evidence, while you dispute the facts? What, then, is the effect of this course, but to teach those who yet have confidence in the House to believe, that they have been wrong, and to make them heartily unite with others for its reform? They do not apply to you to do anything contrary to your forms and precedents; the precedents justify the application of the petitioners; there is no lack of precedents. It needed not the zeal of my hon. Friend, the Member for Ashton, to disclose the precedents recorded on the journals. Former Parliaments have always deemed it a sufficient reason to institute a full and open inquiry, when those who have represented the manufactures and commercial interests have alleged that particular laws have been injurious to them, and have sought to prove their grievances before their House. In such cases, the House has always granted some especial inquiry. I need only refer to the case of the Orders in Council, in 1812; there is, moreover, this analogy to that case, that there was then a preponderating party in the House, which before the inquiry, refused to attend to the statements of the merchants and manufacturers, who alleged the inconvenience of the mode of inquiry, and by every pretext sought to avoid the investigation. Every objection was urged against the proposal; it was especially alleged, that no result would arise; and yet I have heard from those who took part in that inquiry, that numbers prejudiced against an alteration admitted after the evidence had been heard, that such was the effect of the statement of the witnesses, that their previous opinions had been altered by the evidence, and they had fully admitted and urged upon Ministers the propriety of rescinding those orders. And having granted in that case an inquiry on the allegations of the mercantile, the commercial, and the manufacturing interests, will you now refuse all tender of evidence on the present petition? If you do not deny the facts, but admit them to be true, how can you refuse the consideration of the general question? If you deny the fact, how can you refuse the offer of proof? The petitioners in this case, moreover, do not observe, that those inquiries have been always resisted from a careful economy of the public time, for they find, that you were engaged within the memory of many present for thirteen days in examining into the corruption and mal-practices of a kept woman and her royal guardian; and that not sickened with the profligate details of that inquiry, you were occupied for ten days more in the discussion of the evidence and the charges. Grant, then, but these twenty-three days to those persons, who, in the interest of the manufactures and commerce of the country, now approach you, and I am satisfied, that before you will have completed that inquiry you will regret that it had not been instituted before; you will not repent having granted it, and you will not be satisfied till you have learnt the truth. I will not believe, however, that this question will be decided upon the matter of form; or that the House, with full powers to decide whether it will hear what is offered to it, or not, will reject this application upon the question of precedent. Should, however, that question be raised, I have ample precedent for the peculiar application that I make. I have here a precedent, that in matter and form differs in no respect from the present case. It was a petition presented by certain persons on the 16th of March, 1785, to the House of Commons, from the "gentlemen, clergy, landowners, merchants, manufacturers, dyers, bleachers, and others, interested in the fustian trade in the towns of Manchester, Salford, Bolton, &c," against an Act imposing duties "on cotton stuffs, bleached or dyed, and licenses for bleaching and dying the same," stating that the Act had "involved the petitioners in the greatest distress, and absolutely threatened that branch of commerce with inevitable ruin," &c.; "that the said duty will essentially affect labour, and will operate as a tax upon it; at the same time, that it cannot, by its nature, be productive, it will ultimately destroy the petitioners' trade, and diminish the public revenue in the same proportion as it diminishes commerce, and those various exciseable articles and duties, which spring from that source," &c.: and ending by praying, "that the petitioners might be heard at the bar of the House against the said Act," &c. The complaints of the commercial and manufacturing interests were not unavailing in that House, for the House at once granted the prayer; there was no debate, and the House ordered "That the said petition be referred to the consideration of a Committee of the whole House; and that the petitioners be heard by themselves before the Committee, upon their petition, if they think fit." How any one can say that the interests now seeking to be heard, are of less importance, or that their grievances are less serious than those of the persons interested in the fustian trade forty years ago, I am at a loss to conceive. Unless you admit the facts stated by the petitioners—unless you do not deny that they have already lost some trade, and that they will soon lose more—I cannot tell how you can refuse this inquiry. Fortified, then, Sir, by precedent, by justice, and by all that is wise and reasonable, in the course they are pursuing, I trust you will not reject their prayer, for I cannot doubt but that the impression which will be produced in consequence upon the petitioners and the public, thousands of whom are paying the utmost attention to the inquiry, is, that there is a fear, or an unwillingness in this House that the truth should be made known, and that the facts should be published to this country. No other inference is to be drawn, or will be drawn, from your refusal, except, that a majority of this House is unwilling to change the law, and that they will not receive evidence, because such evidence must lead to an alteration in the law. But not being willing to anticipate the commission of such error and injustice, I will now with confidence trust, you will concede this inquiry. The House will observe, that I have carefully abstained from entering into any general consideration of the policy of of the Corn-laws. I have, according to my intention, confined myself to the particular object of the petitioners in seeking to show the injurious tendency of those laws on the interests with which they are connected. I, therefore, now move, "That J. B. Smith, Robert Hyde Greg, and others, be heard at the bar of this House by their witnesses, agents, or counsel, in support of the allegations of their petition, presented to the House on the 15th instant, complaining of the operation of the Corn-laws." The hon. Gentleman resumed his seat amidst loud cheers.

Mr. *Strutt*, in rising to second the motion, would not after the full statement of his hon. Friend, detain the House for any length of time, but he must say a few words on a subject of such great interest. The struggle might be protracted, the result it might be difficult to foresee, but it could only be brought to a satisfactory termination by means of free discussion. His hon. Friend had anticipated that his motion would be met by the objection that the course which he proposed was unusual, though it might not be unprecedented. But he denied, that, considering the importance of the subject, the course was either unprecedented or unusual. He would not enter into an argument on the general question from which his hon. Friend had abstained—he would not go into the general discussion—although he was prepared to show both the injustice and the impolicy of these laws, but he would confine his remarks to the case immediately before them, and looking alone at the case which could be made out, they would not be justified in refusing the prayer of the petitioners. Who were the parties who were applying to be heard? They were persons deeply interested in the commercial and manufacturing prospects of the country; they might be fairly taken to represent the feelings of the inhabitants of the manufacturing towns, and these persons told the House that the Corn-laws were injurious to their interests and that their tendency was to annihilate our commerce and to destroy our manufactures. Of these allegations they tendered evidence to the House; and he would ask on what principle would they refuse an inquiry of so much importance? They had been told out of doors, and they might be told in that House, that this was not a reasonable inquiry, and that the statements were greatly exaggerated; but if they were, there was the greater reason for inquiry. Allowing, however, for the sake of argument, that some of the statements were exaggerated—supposing these parties, like others, were somewhat mistaken—did not sufficient remain to justify inquiry? and if the facts were not disputed would they not deserve grave consideration? Was it not stated that those branches of trade, which were made up of manual labour, were driven into foreign markets? And was it not also stated that although our exports, as a whole, had increased, yet that they had increased in articles which were not highly manufactured?—that there was an improvement in the exports of those articles from which machinery was manufactured—that there was an improvement in the exports of fuel, with which that machinery was set in motion — and that there was an increase in the exports of the raw materials out of which the articles themselves were to be produced? And if what had been stated by the petitioners were truly as they stated, was there not ample ground for inquiry? For himself he believed the statements to be true, he believed that they could not be denied, and that it was impossible, with any consistency to truth that they should be denied. Another observation might, perhaps, be made on the motion of his hon. Friend; it might possibly be said that the parties did not come forward under favourable circumstances, because they asked too much; because they were prepared to ask at the termination of the inquiry for the entire abolition of the Corn-laws, and that their demand should not be granted because some of their own manufactures were protected by duties. He knew that on this statement hon. Gentlemen opposite mainly relied, but with respect to the motion which might be made after the evidence should be heard, whether the House should be asked for an entire repeal, or to substitute a fixed duty, they had nothing to do upon the present occasion. The petitioners asked only to prove at the bar of that House the impolicy and the injustice of the present laws, leaving it to Parliament to determine what was the remedy which the country required. To show, however, that the petitioners were not asking anything that was improper, he would refer the House to the second allegation in the petition, "That all restrictions on trade and commerce are abjured by your petitioners as injurious to the increase of the wealth and capital of this and all other countries." But this was not all the question. He was more particularly interested in this branch of the subject because he happened to stand in that House as the representative of a town, the staple manufacture of which was protected to a large extent. In the town of Derby the silk manufacture was introduced between one and two centuries ago, and it had gone on increasing under protection; but what was the conduct of his constituents? did they ask that any exclusive protection should be given to themselves, when they required that it should be taken from others? Far from it. He had presented a petition from the town council of that borough agreed to unanimously, and another petition from the inhabitants publicly assembled, and also unanimously adopted, in both of which, though they called for the abolition of the Corn-laws, they prayed also that all other classes should be put upon the same footing, and that all protection to manufactures as well as to agriculture should be removed. They might differ as to the policy of the petitioners' prayer, hon. Gentlemen opposite might disagree with the petitioners upon both points, but whether the petitioners were right or wrong there was nothing selfish in their views, and their recommendations and statements were well worthy the attention of the House. This apprehension of exaggeration, however, being entertained, what ought to be the conduct of the House? Were they, because they thought the statements exaggerated, not to hear the evidence of the petitioners to support them? Were the Members of that House to say, "It is true, we think the matter of importance, but we deem the petitioners' statements overcharged, and so we will not hear one word of evidence to sustain them. We will shut our ears to all proof; we will wait till the evil becomes intolerable, and till the remedy becomes impossible." And then, perhaps, some hon. and right hon. Gentlemen would be seen coming down to the House as they had done on some memorable former occasions, and would say that the time had then arrived when the question was entirely irresistible. He had only one word to say as to the form of this motion, that it would throw a serious impediment in the way of public business, and that the time it would occupy would be a serious evil. Now, he would be the last man in that House who would not admit the validity of the argument so far as it went, but, at the same time, he said that whatever might be the result of the inquiry, he believed that their time could not be more usefully occupied, whether they showed by the evidence that the statements of the petitioners were well founded, that there were real grievances of which they complained, and grievances which it was the duty of that House to redress; or whether, on the contrary, it should be proved that the complaints were not well founded, so that the petitioners would believe that they had no just cause to grieve; that thus the agitation which had for some time existed to a large extent, might be put an end to, and the people might see, after the consideration their statements had undergone, that there was no real ground for their demands. He would only make one other observation as to the peculiar situation in which a majority of that House was placed with regard to this question. He would not say one word which might seem to have the effect of menace, or which might produce irritation; but it was impossible that the public could fail to perceive that a vast portion of the Members of that House derived their income from land, and that they might possess, he would not say a sinister, but a peculiar and partial interest upon this subject, different from the public at large. He felt, therefore, that those hon. Gentlemen who had any doubt upon the question should bear this fact in mind, and he would ask them not to do what might be agreeable to their own feelings, but that which would be just to the public, acceptable to the petitioners at the bar, and becoming to the House; and that they would not refuse all redress of the people's grievances, or even oppose all inquiry in a matter in which they were personally interested.

Sir *Francis Burdett:* Sir, I think the hon. Member has given a very cogent reason for the House not wasting its time in hearing evidence at the bar. The facts stated by him with great ability had a considerable effect upon my mind. But supposing the House chooses to take these facts for granted, as I am willing to do, I do not see why we should undergo the fatigue and loss of time in hearing evidence which would be unnecessary, seeing the facts are admitted upon which I think the question ought to be argued. Whenever the question comes before the House, I shall be ready to give it my best attention. At the same time I have not the slightest hesitation in stating my conviction that the landed interests—in which I am principally concerned—are under very erroneous impressions on the subject. On a subject of this description, the facts being as I think, undeniable—I think it more convenient that the discussion should take place upon the merits.

Mr. *Mark Phillips* regretted, that any Member should talk of wasting the time of the House on a subject affecting the interests of every inhabitant of the United Kingdom. As to the evidence offered by the hon. Member for Wolverhampton, it could only be refused on this ground, that it would make unwelcome disclosures. With respect to the operation of the Corn-laws upon the manufacturing interests of that country, they had been developed in an able and masterly manner by his hon. Friend the Member for Wolverhampton, and he felt great reluctance in following him upon such a subject. Still, however, he felt it his duty to point out to the House (following the course of his hon. Friend's arguments) what was the increasing importance of the foreign competition to which their manufacturers were now subjected. He believed, that in 1794 that branch of manufacture with which his own constituents were more peculiarly connected—he meant the spinning of cotton and cotton twist—was then almost unknown on the Continent of Europe. But they had lived to see not merely in Europe, but in the United States of America, a most important competition springing up against them in that very article. The quantity of cotton twist now manufactured in the United States was equal to the whole of that manufactured in England at so late a period as 1816; and he would call the attention of hon. Members who were acquainted with the subject, and he would direct the attention of others who were not aware of it, to the circumstance that at the present moment, in the State of Massachusets, twenty-five miles from the city of Boston, in the midst of the manufacturing district, the most extensive of which the Americans could boast, in the town of Lowell, there was a stream calculated as equal to the power of 5,000 horses the larger portion of which had been already employed for cotton factories, and from this district they were not merely supplying the American markets, but he regretted to say beating the Manchester manufacturers in the foreign markets, and that was in a place where fourteen or fifteen years ago, not a single soul was to be found. Now they had a manufacturing district springing up in the midst of the desert, and entering into active competition with the British manufacturers, fast supplying the American market with the articles they had previously supplied, and then successfully competing with them in all the foreign markets. His hon. Friend the Member for Wolverhampton, had stated, and correctly stated, that the Americans were not only supplying their home markets, but that in the markets of

Mexico, South America, along its eastern coasts, and round Cape Horn, they were entering into competition with the British artizans. He would state further in connection with the town of Lowell, that there were not less than 40,000 bags of cotton spun into cotton twist, in that district, but they were not limited in their operation to the markets near their own country, but they met the British manufacturer in the markets the most distant they had—in China—they met them in Canton, and in 1834 there were 166,000, yards of different descriptions of cotton manufactured goods brought by the Americans to that market—and they met them so successfully as rivals there, that the British had not been able to dispose of more than 70,000 yards against them. They were not, even in their own colonial markets, protected against them. And in Calcutta notwithstandinig there was a duty of 10 per cent. upon foreign manufactured goods, their American rivals had successfully competed with them. Another important fact connected with the United States was, that many of the most recent improvements in cotton spinning were of American invention. He believed, that the patent rights of these improvements were held by Americans, who disposed of them to different manufacturers on the Continent of Europe, where there were establishments for the manufactured machinery. At Zurich, in the Tyrol, and in different parts of Switzerland, there were various establishments which had, in 1834, orders for machinery to the amount of 500,000*l.* sterling, to be brought into operation in different parts of the Continent. He could go still further with respect to foreign competition. The hon. Member for Wolverhampton had stated the rapid increase of manufactures in Switzerland, and he (Mr. Phillips) believed that Switzerland at that moment was consuming 50,000 or 60,000 bags of cotton annually, and was meeting the English manufacturer successfully, notwithstanding their distance from any seaport; notwithstanding as was stated by his hon. Friend, their being 700 or 800 miles from the sea-board. The Swiss were competing with the English in the American markets, and they knew full well, and understood their interest so completely at the present moment, that in Switzerland they still left some of the higher numbers of the cotton twist (he meant the fine descriptions) without any duty whatever, because they found, that a greater profit was made by spinning the coarser numbers themselves. If he travelled from Switzerland into Germany, he must come to the same conclusion, that competition met them everywhere; and with regard to Russia there was this most extraordinary fact, that last year the quantity of cotton wool imported into Russia for the purpose of being manufactured into twist, amounted to as much as the cotton twist that was actually imported from Great Britain. It was stated to him only a few weeks ago, by an intelligent friend, who had been lately making the tour of the Continent, that he had visited some of the spinning manufactories established in the Tyrol, and he should like to describe to the House in what manner that had been effected. By British enterprise and British capital, derived from men, who, if they had remained at home, would have formed a portion of his constituents. When the House had been debating, two years ago, the question of factory labour, and the restriction to certain hours, the right hon. Baronet, the Member for Tamworth, whom he did not then see in his place, was pleased rather to smile at some allusions made by him to capital travelling from that and locating itself in other countries. He could only state, that it had already taken place, and to a considerable extent; and, as was well expressed in a petition which he had had the honour of presenting from the Manchester Chamber of Commerce, capital owed no allegiance to the soil, but could transport itself wherever it could most profitably be invested. That he looked upon as an incontrovertible fact, and he was sorry to say, that they were beginning to experience the effects of this withdrawal of capital upon the operations of British industry. In some of the great machine manufactories in the borough which he had the honour to represent, the parties directing those establishments had found great difficulty in retaining in their employment some of their best mechanics who had worked for them for many years, notwithstanding the great sums paid to those men to retain their services as skilful workmen, amounting to as much as 5*l.* per head per week. Such men were much solicited by foreigners, and taken abroad for the purpose of facilitating the manufacture of machinery, to be afterwards brought into competition with the English manufacturers. He had taken occasion to allude, on a former evening, to an exceedingly injurious system, viz., the exportation of cotton twist; and he regretted to say, that they were merely permitted to manufacture that upon sufferance; for as soon as the parties abroad found that they were able to obtain proper remuneration for their capital by employing it in that business, he knew not what means there would be of retaining even that important branch of our manufactures within the shores of this country. The question required the most serious attention of that House. When the time should arrive, and it was pressing on them when they should lose even that, and though he had deplored, and frequently deplored in that House the condition of the hand-loom weavers, if their condition were now bad, he apprehended that it would become still worse; and that that expression which had been made use of by the manufacturers connected with the hardware trade, viz., that in order to retain their competition with foreigners, they must work out the very sinews of their artisans, would be realized. He had presented on that day a petition from 4,000 hand-loom weavers of Manchester. These petitioners stated, that they found it impossible to obtain sufficient remuneration to procure the common necessaries of life—that many of them were without clothing or food—that they had not the means of instructing their children, much less of sending them to places of worship, or Sunday schools, and that so long as they were subjected to this competition with the foreign manufacturers in consequence of the operation of the Corn-laws, they despaired of any remuneration for their labour. They stated, that they had to work fifteen hours a-day, and that the price of provisions at the present moment was nearly double what it was last year, while many of them regretted to say, that instead of its being in the power of the masters to give them better wages, they were now receiving inferior wages to what they had twelve months ago, when provisions were half the present price. He would not occupy the time of the House by reading letters upon the subject, but he was exceedingly anxious that that and a variety of interesting subjects would be made the subject of investigation at the bar of the House. He would not now touch upon the general question of the Corn-laws, but would strongly support the proposition which had been made by the hon. Member for Wolverhampton, that evidence be taken at the bar to prove what were the effects of the existing Corn-laws upon the general system of manufactures in this country. He would call upon the landlords to recollect that the manufacturers had largely drawn off their population, and had found them active and remunerative employment. But if that state of things was about to arrive which he had predicted—if the time should come when foreigners would be able to compete with the English, not merely on their own ground, but in every market abroad—he must say, that with every wish and every inclination not to give way to exaggerated feelings or apprehensions, he should entertain the most serious fears as to what would become of the population of the country. Would the landowners be prepared, in the case of a suspension of trade, to take back that population which the manufacturers had taken from them? He apprehended they would say, they were not able to support them. How then were they to be supported? Would the agricultural class propose that they should be supported by a rate levied upon manufacturing industry —a rate levied upon that machinery which by these laws was rendered nearly useless? If the manufacturing districts were under the necessity, which there was but little doubt they would be in a few years—if they were under the necessity of supporting an idle population, it would operate as an export duty upon every ounce of goods sent to a foreign market. What was to be done with so large a population, which in a few years must be thrown out of employment? They would in great numbers be in want of work, which they could not get, and of bread, which they would find it impossible to get. He had often heard emigration suggested as a means of reducing the superabundant population, but if it was an emigration forced upon them by the want of work, by a failure in our manufactures, the word would sound to his ears very much like transportation. He thought the prayer of the petition was so reasonable, that the House would find itself compelled to accede to it—he hoped that evidence would be taken at the bar, in order to see if the allegations of the petition were true, and if so, whether the remedy suggested was the proper one. Other opportunities would offer themselves for a discussion of the whole question, he would not, therefore, detain the House further than by making a strong appeal to the agricultural Members. Let them not place themselves in a position in which their fellow-subjects might say that they were afraid of hearing the truth. The question was no party one—hunger was no party question, neither could the question of the means of providing provisions for millions be made one.

Viscount *Howick:* Sir, in consequence of what has fallen from the hon. Members for Wolverhampton, Derby, and Manchester, I am anxious to take the earliest opportunity of stating the reasons which induce me to give my opposition to the motion. I, Sir, oppose the motion, not because I am an advocate for the existing system of Corn-laws, on the contrary, from the first moment I had the honour of a seat in this House, I have entertained a strong opinion of the impolicy and the injustice of the existing Corn-laws. In the year 1828 I formed one of a very small minority who joined the hon. Member for Kilkenny, in voting against the principle of the present Corn-laws. The experience I have gained since that time has only strengthened my conviction that the existing laws cannot but be prejudicial to the interests of all classes of the community, and my experience goes to show me that they are more particularly prejudicial to the interests of the agricultural classes. Hon. Gentlemen opposite may consider this a paradox, but when the question comes regularly before the House I shall be prepared to state my reasons for coming to such a conclusion. In the mean time, I will say this, that I will oppose the motion now before the House, not because I am an advocate for the present system of Corn-laws, but on the contrary, because that I am an opponent, a firm and consistent opponent of the present fluctuating scale of duties. I do not, Sir, oppose the motion on the ground of form. The hon. Member for Wolverhampton has quoted many precedents, all of which I am prepared to admit were most pertinent to the subject. In my opinion, it is perfectly fit for the House to take the course prayed for by the petitioners. I can see no irregularity —no impropriety, in adopting that course —but, before doing so, we have most seriously to consider whether it will be advantageous or disadvantageous to us in arriving at a sound view of this very important topic. In my opinion, Sir, it will not have an advantageous tendency; on the contrary, my opinion is, that by hearing evidence at the bar, we shall obstruct instead of promote the desire which we all have to settle the question. I oppose the motion, Sir, because by so going into the inquiry, we should cause great delay in arriving at any conclusion. In my opinion we are now ripe for discussion upon the subject. Both parties—the opponents equally with those who approve of the present laws are in possession of the means of discussing the question. It is not, Sir, so much with respect to the facts themselves that there exists any difference of opinion, the main substantial facts are matters of certainty, and are acknowledged to be authentic on all sides. They do not rest upon the mere statement of witnesses either at the bar or before a Committee. up stairs, the greater part of them rest upon returns, upon official documents which have been laid upon the table of this House—they rest upon information which it is impossible for either side to dispute. From those documents we are made aware of the prices of corn in each year. We are also made aware of the exports and imports of every article, and if the information is not sufficient, we can call for more details—we can call for such information as must make us masters of the question. All that we wish to arrive at is as to the conclusion we are to draw from these facts, which may be taken as authentic—the mode of accounting for the existence of those facts—these are the points upon which any real difference of opinion exists. Sir, if I had wanted anything to convince me that all the materials necessary for the discussion of this question are already prepared, it would have been furnished to me by the elaborate and able speech of the hon. Gentleman who proposed the motion. Every ho . Member who listened to the speech of the hon. Member for Wolverhampton must have perceived that four-fifths of the speech was not in favour of any inquiry, but would have formed an admirable speech in favour of an alteration in the present laws. Taking it in that sense, Sir, I admit the facts and reasoning of the hon. Gentleman, but that being so, on what ground does the hon. Gentleman call upon us to hear evidence at the bar? Does he not know the nature of the alteration in trade which has taken place in different countries? Every hon. Member cannot fail to recollect that was one of the documents on which the hon. Member enlarged with the utmost force, and with the greatest accuracy of reasoning. But, Sir, what more is there to be stated on these points? We know the facts, and what is desirable is to connect these facts, with the operation of the Corn-laws; it is to show how these facts arise from the operation of the existing laws relative to the importation of corn. Sir, I believe it is possible to connect the facts which the hon. Member has mentioned with that state of the law. I believe the conclusion at which he arrived is a just one; but I say, if you can establish that conclusion, you can perceive that connection only by the process of argument and of reasoning; and to arrive at that I know no more inconvenient course than the examination of witnesses. Gentlemen who are in the habit of attending Committees of this House will concur with me in the opinion I express, that there can be nothing so entirely unsatisfactory, so entirely inconclusive, as the examination of witnesses on questions of opinion. Questions of opinion require to be discussed in debate—argument requires to be continuous—the several steps of reasoning require to be made one after another, but when you attempt to do this by question and answer, the result is, that you come to conclusions that are illogical, and not likely to work conviction upon any mind. I am sure that hon. Gentlemen who frequently attend on Committees of this House can hardly fail to have arrived at the same opinion. What is really valuable in the Reports of our Committees—what is really of intrinsic value and service in our future discussions on the statements of fact—are the various statements of fact which in the course of such examination are elicited. But upon this subject of the Corn-laws we have those statistical facts which enable us to form a judgment in the most correct manner. I quite agree with the hon. Member for Manchester, who spoke in reply to the hon. Baronet the Member for Wiltshire, in saying that there is no subject at the present moment more deserving of occupying the time and attention of the House—there is none to which we can more profitably give a large share of our consideration. But that consideration to be valuable—that consideration, to be important—should be given in discussion and debate, and not in the form of a desultory and inconclusive examination of witnesses at the bar. But, if I were convinced that upon this subject further information was necessary, and information of such a description that it could only be obtained by the examination of witnesses—if I were satisfied upon this point, I should say that it was worse than idle to conduct the inquiry by means of a Committee of the whole House. Have not Select Committees been often found the most inconvenient instruments for conducting an inquiry? It is found, that hon. Members, having their own particular views, examine witnesses with totally different objects and intentions. The result is, that it is very difficult indeed to follow anything like a regular and connected line of examination. That examination almost always becomes desultory, irregular, and inconclusive, and to get rid of this inconvenience an arrangement is come to, that no hon. Member who has commenced a particular line of examination, shall be interrupted to the close of it. The result of that arrangement is, that you have an interminable and useless repetition of evidence, you have delays which are almost endless, and a mass of evidence which no man can take the trouble to read. Sir, I say this has been practically found to be the result of conducting an inquiry into any complex subject by a very numerous Select Committee, and this has been so universally acknowledged on all sides, that within the last two or three years we have agreed to limit the number of Members who shall be put upon any Committee, except for some special reason, to fifteen names. But, Sir, if this inconvenience is experienced even in a numerous Select Committee, just let me ask what would be the state of an examination conducted before this House. Does any body believe, that a regular and connected examination could be conducted in this manner? Hon. Members who propose this mode of proceeding, must remember, that if they begin inquiry, it will not be in their power to limit it. They cannot confine the examination of witnesses to some thirty or forty questions, prepared beforehand by a Committee of their own number. If we were to attempt that, we subject ourselves to the great reproach, of endeavouring to stifle the truth. No, Sir, each witness must be allowed to be cross-examined; he might be cross-examined by thirty or forty, or one hundred Members, each having his own particular point to prove, and his own particular notion to make good, by a cross-examination. Nor is this all; if you examine witnesses on one side, you cannot possibly refuse to hear witnesses on the other. You cannot hear the manufacturers adduce their evidence, to show that the Corn-laws have worked injuriously to them, and afterwards refuse to hear witnesses on the part of the landed interest, to give you their views of the injury which would result from their repeal. And what would be the consequence? you would have witnesses from England, from Scotland, and from Ireland, to tell you what was the state of agriculture in these different parts of the country; you would be called upon to go into the further question of what is the price at which corn could be grown, in Poland, in Russia, in Africa, or even in India, according to the statements of the hon. Member for Wolverhampton; and you would further have to test the evidence you would hear upon these points from one set of witnesses, by the examination of another set, and we should have the same questions raised which have been raised on all Committees, on agricultural distress. It should be considered also, whether it does not form an essential part of such inquiry, to go into that interminable question of the Currency, for the hon. Member for the North Riding of Yorkshire, and the hon. Member for Birmingham, would pronounce such an inquiry as this to be altogether illusive, unless you went into that never-ending subject. With such an inquiry as this before us, where can you expect it will end? Will one Session suffice; will two, will three Sessions suffice, to conclude such an inquiry as that? Sir, I say they will not; and I say, that those who, like me, believe that a change in the Corn-laws is of pressing importance, that not only the prosperity, but the very safety of the country, are hazarded by the continuance of the present system, those Gentlemen who concur with me in that opinion will hesitate before they commence this inquiry, because, if we embark upon such a wide ocean, at the instance of those Gentlemen who contend for a change in the law, it will be impossible to return to port at their pleasure, or stop the inquiry where they might wish. It will be in vain for them, when they find themselves wearied, by the manner in which that inquiry proceeds, by the volumes and volumes of evidence which they have before them, it will be in vain for them, in this state of things, to say, "Oh, no! let us have done with the inquiry. Let us proceed to legislate upon the subject; let us return to the track from which we have unfortunately departed in the first instance; let us turn back to the discussion of the subject in the House." These Gentlemen, when they wish to retrace their steps, will be justly met by the remarks, "By your conduct you have admitted the necessity of inquiry—we hold you to your own admission. We require you, having commenced this investigation, not to leave it partial and incomplete. We call upon you to finish it, to go through the whole case, to know the real truth, and the whole truth, before you venture to legislate upon a subject affecting so nearly so many important interests." This would be the predicament in which the advocates of the change would be; and if I were the opponent of any change—if my object were to stifle discussion, and prevent these debates which would lead to a reform and change in our policy—if this were my object, I should recommend that precise measure which the hon. Member for Wolverhampton this night called upon us to adopt. I have heard with great pleasure all that part of the speech of my hon. Friend, in which he stated his grounds for thinking a change in the Corn-laws necessary, but I listened in vain for anything like an intelligent statement of reasons for adopting the particular course he recommends. When my hon. Friend came to that part of his speech he seemed to hurry over the ground, to touch the question lightly and gently, as though he seemed conscious of the inherent weakness of that part of his argument, and like a skilful advocate wished to divert the attention of the House from the subject as speedily as possible. The only thing at all like a valid reason for pursuing the course which my hon. Friend recommends, that I could collect from this part of his speech, seemed to be, that he imagined, that evidence produced at the bar would make a much greater impression than evidence produced before a Select Committee. I do not know what questions would be considered of sufficient importance to induce hon. Members to take the trouble to peruse the immense folios which generally proceed from Select Committees. This is not the manner in which evidence taken before Select Committees is brought to bear on questions, either in or out of this House. It is not in the generality of Members reading the evidence thus produced, but by those persons who really feel an interest in the subject, and who understand it in all its bearings, stating those facts and the reasoning resulting from them in their speeches, and thus bringing them to bear on the House and on the country. What would be the effect of hearing the evidence before a Committee of that House? I doubt much whether hon. Members could be induced to come here and attend; certain I am, that they could not be induced to come here day after day and hear the evidence. For the first day or two, perhaps, we should have a very full attendance—great excitement would exist on the subject, and we should have three or four divisions regularly and closely contested, as to whether an hon. Member, the representative of a manufacturing town, or another hon. Member, the representative of an agricultural county, should have the precedence in examining a witness. No doubt, great excitement would prevail at first. While that excitement continued, is it likely we should make much progress in the investigation of a subject of such a complex nature as this. While this state of excitement continued how could we hope to make much progress in imparting instruction to hon. Members on abstruse points of political economy. After a while this excitement must fail. Hon. Members, the representatives of the manufacturing and the agricultural interests having come to an understanding as to who should have precedence in the examination of evidence, the House would very soon after settle down into the ordinary mode of conducting business. I can picture to myself the appearance which this House would then present in the evening. About half-past seven, we should find our worthy Chairman in the chair, but whether he would be listening to the evidence, or writing verses, or indulging in repose, it is not for me to say. Other hon. Members would be going to their various engagements, and the official Members would gladly embrace the opportunity of accepting engagements to dinner. My right hon. Friend the Member for Manchester having presented petitions most numerously signed on this subject, might perhaps deem it a duty he owed to those petitioners to attend at the House during the whole time of the investigation; but he would very frequently be the only occupant of the official bench. I ask whether hon. Gentlemen will not agree with me, that this picture which I have now drawn is a correct representation of what will take place should the House consent to the motion of my hon. Friend the Member for Wolverhampton. To use the fine language of my hon. Friend, the petitioners hope that they shall be heard at the bar of this House, and not condemned to the seclusion of a Select Committee. My hon. Friend brings forward as a sound and unanswerable argument in favour of the course which he proposes to adopt, that gentlemen now living, who were examined at the bar of this House against the orders in council, have told him, that at that time hon. Members of this House would come to them, and say—"You have informed us of facts with which we were previously unacquainted; you have enlightened us on the subject, have induced us to change our opinions, and have secured our votes." I am not surprised, considering the time which has elapsed since the issuing of those orders in council, that these Gentlemen should refer to the dim recollection which they must necessarily have on the subject, and be inclined to attribute to their own evidence a much larger share of importance than it is justly entitled to, or than it received at the time. But what was the case of the orders in council? it was an entirely new case; these orders were issued in accordance with the policy of the then Government; of the reasons for which they were issued, the generality of persons were in ignorance, and the facts upon which those reasons were founded were not known. This was a reason for the House proceeding in the way it then did, but is this the case with the Corn-laws at present? Is there any new fact, or any new reasoning with which we are unacquainted? For the last twenty-one years, ever since the year 1815, the Corn-laws have been constantly and perpetually the subject of discussion both in and out of the House. All the facts relating to them—all the arguments from those facts—and the whole state of the case may be made known to any Gentleman who will take the trouble to investigate the subject. There is nothing but facts and arguments with which they were already acquainted to be brought forward on this subject, and these facts and arguments could be far more efficiently brought forward in the course of debate. I know that hon.

Members have recurred to the large number of signatures which has been attached to petitions which has been presented to the House, praying to be heard by evidence at the bar. I should be the last person in the world to treat these petitioners with want of consideration, or to dispute the fact, that these petitions are entitled to great weight. But it is our duty as Members of this House, to exercise our deliberate judgment on the prayer of the petitioners; and if, in our deliberate opinion we should, by granting the prayer of the petitioners, not promote, but defeat, the object which the petitioners have in view, then it is our duty to refuse to grant the prayer of the petition, and no considerations should induce us to grant their prayer against our deliberate judgments. We possess means of forming a judgment on subjects of this nature, which constituencies cannot possibly possess. It is hardly possible, that persons totally unacquainted with the business of this House, should be able to form a correct opinion on these subjects. Our duty to our constituency is, if they have been misled on any subject, not to betray their real interest, by acceding to their expressed wishes; this is our duty, this is the correct course for us to pursue, and from this we should not be induced to swerve by any considerations of popularity. I have no further reasons to offer to the House, but I must say, that I consider this motion as most ill-advised for forwarding the success of that cause in which the petitioners take such deep interest. I am not surprised, that they should have endeavoured to force this course upon their Representatives, but I am surprised at the course which their Representatives have adopted. They have just ground of complaint against those Members who, having Parliamentary information, knowing the ground upon which Parliamentary decisions are founded, have suffered themselves to be misled into the adoption of a course which is detrimental to the ultimate success of the object which they have in view. I must ever deeply regret, that the first debate and first division on this subject should have been brought forward in such a manner, that all who disapprove of that manner, and yet wish well to the object which the petitioners have in view, should feel compelled to divide against this motion. The sense of what is my duty to the House, to my constituents, and to the country, compels me to give my vote against the motion of my hon. Friend, the Member for Wolverhampton, and I regret, that I should be compelled to give my vote to swell that majority which in popular estimation will be regarded as a majority in favour of the existing Corn-laws. It is not my fault, that I am compelled to vote in this manner, but it is the fault of those who have exhibited such a want of judgment in the manner of bringing this question before the House.

Mr. *Pryme,* who had given notice of an amendment on the motion of the hon. Member for Wolverhampton, rose to say, that it was not his intention to press it. He had expected, when the hon. Member first announced his intention of mooting the subject, that on the present occasion the general question of repeal would have been gone into; and in that persuasion he had given notice of his intention to move an amendment, the effect of which had direct reference to the general question, and not to that now before the House. This being so, he should not put his amendment to-night, but move it on a future occasion, when the question of total abolition or a fixed duty came under the notice of the House.

Mr. *Ward,* concurring as he did entirely in the propriety of the policy and the necessity of the course pursued by his hon. Friend on this occasion, would endeavour to confine himself in the very few observations he should make to the speech that had been delivered by the noble Lord, the Member for North Northumberland. He had heard that speech with a mixture of pain and pleasure; for while he felt great gratification at the manly avowal of opinion made by a noble Lord, whose position, office, personal character, and ability made him so respectable in that House, yet there were some parts of that speech to which he had listened with the deepest regret. He regretted the conclusions at which the noble Lord had arrived, and, above all the necessity of that division, which the noble Lord himself deprecated, amongst those who were hostile to the Corn-laws; nor could he admit the justice or propriety of the grounds on which that conclusion had been based. The noble Lord contended, that the course taken by the hon. Member for Wolverhampton was unfavourable to the object he had in view—the arrival at the truth; and, that all the facts on which the House would be guided in their decision were already before them. That there were official returns he admitted—bald, naked, isolated facts—but facts the tendency of which was disputed—the very origin of which was denied. This was the case. Hon. Gentlemen opposite would say, "even admitting that there is a depression in the manufactures of the country—admitting that you are driven from all the markets you ever possessed—admitting that there is an increase of competition on the part of continental nations—admitting all these facts, we still deny, that the results in question are attributable to the Corn-laws." What did the supporters of this motion ask? To combat such arguments and statements as these, they asked to bring forward the best evidence that could be produced—the practical experience of men who had closely watched every step by which the profits of their manufacturing industry were affected. To place those men at the bar—to give the facts of the case their proper colour—to prove clearly, distinctly, and successfully, the intimate connexion between the depression of trade and manufactures and the Corn-laws. These were what they asked for, and if the House refused to comply with their request they would show a determination to act on a foregone conclusion of their own, without a full knowledge of the facts which ought to guide them. He could not think, that any consideration founded on a supposed waste of the time of the House ought to interfere with a subject of such importance. The time of the House was much more wasted on less important occasions. [*Cheers.*] He did not know the meaning of that cheer—he was not wasting the time of the House—he was speaking strictly to the point, on which no one of them ought to give a vote without duly weighing the consequences of that vote on the temper of the people at the present time. He confessed, that he had felt surprised at the tone adopted by the noble Lord in turning into ridicule a committee of inquiry of the whole House—when he stated, that the chairman of such a committee would be dozing away his time during the inquiry, or writing verses in the chair—that the attendance on such a committee would dwindle away, and the ranks become daily thinner as the dinner hour or any other attraction drew them away—and that thus what ought to constitute the great business of a Session would justify every complaint against the House in its mode of adjudicating on a great national question. The noble Lord had admitted, that the precedents were in point. He had admitted, that in the case of the Orders in Council, the examination of witnesses at the bar of that House was calculated to produce a good effect on the public mind. But then he argued, that that was a new question. Why, the present was a new question. Was it not a new case, that British manufactures were driven out of foreign ports? All the supporters of this motion called for was, that the facts might be heard. The noble Lord had held out, that all those who took the same view of the present motion as he did, were acting against their own better judgment, to court popularity among their constituents. He denied this, as far as he was concerned. In the petition which he recently presented from his constituents he found them detailing facts of the operation of which the House had no accurate knowledge, or means of obtaining it. They wished to give evidence of those facts, and of their connexion with the question of the Corn-laws; and he, believing that test to be a just one, and knowing, that to state isolated facts without demonstrating their bearing on the general question, would only tend to prejudice the due and impartial consideration of the subject, he conjured the House not to allow themselves to be misled as to the effect which the hearing of evidence before a committee of the whole House would produce. He did think, that an object of such vast importance should not be impeded by mere considerations of convenience—by calculations as to the number of days that were likely to be occupied in the inquiry. That inquiry would be strictly limited to those persons who were fully acquainted with the whole bearings of the question. The noble Lord seemed to apprehend, that other questions would be mixed up in the evidence—the currency, and the adjustment of the national debt, for instance. Those questions would form no part of the evidence, but they would necessarily form part of the discussion of the general question.

Mr. *Thornely*, as one of the four witnesses on the occasion of the inquiry in 1812 on the effect of the Orders in Council, could not avoid saying a few words. On that occasion the Minister of the day, without there having been a division of the House of Commons, rescinded the Orders in Council after evidence had been heard at the bar. He remembered that the late Mr. Babington, the Member for Leicester, who was in the chair on that occasion, stated that although when he took the chair he was impressed with the propriety of the Orders in Council, the evidence he heard had changed his opinion. Having taken the part he did on the former occasion, he now felt himself, as the Member for a manufacturing constituency, bound to declare his conviction that that House would not do its duty if it did not hear evidence at the bar. The only alteration, if the hearing of evidence were refused, was at once to repeal the Corn-laws. He had himself no interest whatever in manufactures, and very little in commerce; but, on his honour and conscience, he did think that the prospects of the manufacturing interests were most appalling. Unless they turned over a new leaf, unless a new system were adopted, unless not only were the Corn-laws altered, but the free-trade principle adopted to its fullest extent as regarded every article of import, the commercial superiority of the country would be gone for ever. Not a day should elapse before all those statutes were repealed which compelled the manufacturing population to purchase any of their articles of consumption at the dearest market, instead of at the cheapest. The manufacturers were called upon to do what it was impossible for them to do. They were called upon to sell in foreign countries at as cheap a rate as the people of those countries could afford to sell at, who purchased their corn, sugar, timber, and other necessaries at the cheapest rate—the home manufacturers being compelled to purchase them at the dearest rate. Mr. Huskisson had long since demonstrated that this was an impossibility. The difference in price must be deducted either from the profits of capital or from the wages of labour. If the system were not at once altered, the profits of capital would become extinct, and the only alternative of the manufacturers would be immediately to reduce wages. Nothing could avert this result but the adoption of the principle of free-trade. Believing, as he did, that all that the House required was to have the facts fairly stated, he should vote for the motion, and greatly grieved he would be if the House refused to hear evidence at the bar.

Lord *Worsley* said, that considering the present application for hearing evidence at the bar was got up when the manufacturing towns were clamouring for a repeal of the Corn-laws, he was convinced the object of this motion was to obtain the abolition of those laws. Now, he had made up his mind that the repeal of the Corn-laws would be most prejudicial to the interests of the empire, and he thought that during the repeated discussion upon this question every hon. Member must have had ample opportunities of making up his mind upon the subject. He was a Member for an agricultural constituency, and he was certain the repeal of the Corn-laws would be most injurious to the agricultural, and through them to the manufacturing interests. He could not help recollecting what would have been the condition of this country at a period like that of the late American distress if it had not been for the home markets. He was convinced the present agitation for the repeal of the Corn-laws was the consequence of the late high prices of corn, by which, however, the farmers had not benefited. He could only say, for that part of the country with which he was acquainted, that the produce was so inferior in quantity and quality, that, although the farmer was receiving 75*s*. a quarter for his corn, the deficiency in produce made that not more than 50*s*. a quarter, on the other hand the scarcity of food obliged him to increase the wages of his labourers. When the corn was at 50*s*. the labourers were paid ten shilling a week, whilst now they could not live on less than 13*s*. 6*d*. and 15*s*. He could not help thinking that the object in seeking the admission of evidence was, not to prove the manufacturers less prosperous than hitherto, but merely an ingenious method of introducing the repeal of the Corn-law, and with that view he must declare his intention of voting against the motion.

Mr. *Horsman* said, he should vote for the motion, because it would lead to a repeal of the Corn-laws. The noble Lord who had just sat down might be well acquainted with the subject, but other Members were not, and was it fair that they should be prevented from informing themselves upon the question? Until recent facts were laid before the House, he had no idea that our commerce and manufactures had been so much deteriorated by the

Corn-laws. The noble Lord (Howick) said, that no new facts were wanted on this question—that the House had already received all the details that could be wished—but it was no evidence that official returns had given but partial information. They might have shown the relation of our exports and imports, but they had not shown any evidence of that alarming competition in foreign countries as was stated by the hon. Member for Wolverhampton in his review of manufactures and manufacturing establishments abroad. But when the House was told, that not only were our exports decreasing—some branches of our manufactures had much declined, and that some countries once our best customers, had now become alarming competitors—that unless speedy change was effected, a great body of our manufacturers must leave the country—it must be confessed, that those facts were new to many hon. Members. They certainly were so to him, and doubtless there were hundreds of facts of equal importance, which would be adduced for the first time, if the proposed inquiry were gone into. Let them ask themselves who came forward to introduce these facts? They were men in whose hands were placed the entire manufacturing capital of this country—who supported a population of five or six millions by their payments of wages, and who had continued to pay them those wages for two years without receiving any profits. He repeated, that those capitalists had paid the operatives for two years without receiving one farthing of profit, and would, he feared have to continue to do so. Now, all that those employers asked of the House as a great favour, was, that the House would concede to them an opportunity of establishing their propositions by evidence at the Bar; but he feared that if they were to retire with the impression, that all chance of redress from this House was hopeless, they must reduce the wages of their workmen; and in this event he would beg to warn the House against the alarming consequences that must ensue. As for the arguments that had been advanced against the desired inquiry, they differed in no degree from those that had been adduced on former occasions; and when, as the noble Lord admitted, precedents were in their favour he saw no reason whatever, for objecting to the motion. After what the noble Lord had stated as to the probability that if the inquiry were granted, one portion of the hon. Members would be at dinner—another would be asleep—the Chairman would be writing verses — and the only attentive parties would be the questioners, and the answerers, he could only say, that such a description of the House would not much raise it in the estimation of the public. He would not trespass farther upon the attention of the House, but would conclude by entreating them for the sake of justice and humanity not to shut their eyes against the information that the petitioners now offered.

Mr. *Heathcote* trusted, that as his hon. colleague and himself had presented 170 petitions upon the subject, he might be permitted to say a few words. Now he would at once say, that he would give a decided opposition to the proposal of the hon. Member for Wolverhampton, both on point of principle and on point of form. First of all he denied, that there was any necessity for inquiry, because there was no necessity for appeal. He did not think that the hon. Member for Wolverhampton had shown that deterioration in our manufactures which he had set out with asserting, but even if he had, other reasons might be shown for it. However, no class of men had a right to say, we will benefit ourselves at the expense of our neighbours; we will get out of the mire on the shoulders of other people. During the long time that he had been a Member of the House he had never known of a similar inquiry. He assured them, that if the inquiry now asked for, were granted, it would go on *ad infinitum;* for hon. Gentlemen must remember, that if a great number of witnesses should be brought forward to prove one side of the case, they, the Corn-law supporters, should have to bring forward a great number to sustain their side. He would ask them, then, how long was this inquiry to last? Let them consider, further, that they must have two sets of speeches; they must all know, there was another House sitting in town on this question; and no doubt that the members of that House admitted below the Bar must be permitted to make speeches in reply to the speeches of the Members of this House above it. On these grounds he should most decidedly vote against the inquiry. In truth, there was essentially little or no difference between the prices of corn at present and those of apparently cheap seasons. The noble Lord (Worsley) had already shown, that the present high prices were the result of the deficient harvest. They had scarcely had any Corn-laws for several months; the ports were open, the Corn-laws were in complete abeyance. It was therefore an extraordinary time to bring forward the present application; he hoped however, the time would soon come when the question, who benefited by the Corn-laws, or who did not, would be decided. A serious disadvantage, indeed, would be entailed if this motion were to be periodically renewed. It must indeed be a serious inconvenience to gentlemen who had to come up from the country and remain a long time in town to learn, that the question would be put off for a fortnight. The hon. Member for Wolverhampton ought to say, that he would bring the question to an issue.

Mr. *Warburton* said, that the hon. Gentleman who had just sat down had very much misconceived the utility of the motion now before the House. He did not know the precise object of the hon. Member for Wolverhampton, but he thought that the intention must be an eminently useful one—his object appeared to be to place all the hon. Gentlemen opposite in the wrong—to permit those who complained of the Corn-laws as a grievance, to show wherein the evils consisted, and to explain to the House what were these causes. Did they think that Gentlemen, predisposed on this question, would not be happy to receive information upon it? When the hon. Member for Kendal, on the first night of the Session, brought forward some facts in favour of the present system, which they (the hon. Gentlemen opposite) considered undeniable, did they make any objection then? Not they. He referred to certain admissions which had been made by the Chairman of the Manchester Chamber of Commerce. Those admissions, which told one way, were eagerly received, while those of an opposite character they now seemed unwilling to permit to be established by evidence. The object of the hon. Member for Wolverhampton and his supporters was, as he had already said, to prove that the hon. Gentlemen opposite were in the wrong. Indeed, in doing this the hon. Member was already successful. If all the hon. Members of the House were as enlightened on this question as her Majesty's Ministers must be, there would indeed be no necessity for further evidence. If they could examine the escrutoirs of the right hon. the President of the Board of Trade, and those of some other departments, and see the representations of the Prussian and other governments, showing what advantages would ensue if the restrictions against the importation of their corn and timber were removed, then indeed they might refuse to hear this application. But they had no such ample information. However, he would now ask the right hon. the President of the Board of Trade what representation he and his colleagues had received from those several governments? He had no intention of trespassing on the House at further length, but from the observations of the hon. Member for Lincolnshire and of the noble Lord, he thought it necessary to defend his hon. Friend, who, he thought, had acted wisely and rightly; and had given those who concurred with him an opportunity of proving, that the hon. Gentlemen who opposed the inquiry were entirely in the wrong. He believed that until the manufacturing and working classes should pull together—until the fears of the hon. Gentlemen opposite were operated upon, he repeated, until the fears of those Gentlemen were operated upon by the whole body of the people and the manufacturers pulling together, the Corn-laws would not be repealed. But the day would come, and then the hon. Gentlemen opposite would have a different story to tell.

Mr. *Cayley:* As the hon. Gentleman who had just sat down had most truly stated, when the working classes and their masters pulled together they would be irresistible, but the hon. Gentleman was very much mistaken if he supposed the masters had so far deluded the operatives, or that they pulled with them on the present occasion. The operatives of the master manufacturers had had the bitter experience of the last twenty years to convince them of the sympathy which the masters felt for them. Well had he seen since he had become a Member of the House, the sympathy exhibited by that class in favour of the poor, emaciated, crippled, death-like factory workmen. Well did he remember when his hon. Friend had, year after year, brought forward his motion for the relief of the hand-loom-weavers what was the tone of the masters. Was the tone taken on the present occasion that adopted by them formerly? Was the subject made a question of hunger, and as if that alone should guide their deliberations on the question? No. It was, that the power-loom weavers and spinners must have employment—that it was impossible for the hand-loom weavers to compete with them, and therefore they must sink, without either commiseration or sympathy. The assertion made use of out of doors, that this was a question of hunger, and ought not to be made a party question, had been again brought forward. Why, good God! if it was a case of hunger—if it was the case of a nation calling out for food, did they think that the landed interest would not be as ready as the manufacturers to come forward and answer that call. It was not a question of hunger, but it was a question of whether the people of the country who had been engaged for centuries in the production of corn for their own consumption, should be allowed to continue their labours instead of being supplanted by the labourers of another country. He entirely agreed with the noble Lord the Member for Northumberland, as to the impolicy of consenting to the proposition of the hon. Member for Wolverhampton. He denied, that the distress among the manufacturers was in any way attributable to the Corn-laws. Had hon. Members not heard of the panic in the American market, and the reduction that had taken place in the demand for our manufacturers' produce both there and upon the Continent? With respect to the statement put forth by the hon. Member for Wolverhampton, that the increase of manufactures in other countries arose entirely from the restrictive course adopted by our country with respect to importation of corn, he was prepared to show that the restriction had nothing to do with the matter. Foreign countries, long before that period, were prepared to manufacture for themselves. What was the case with regard to manufactures since the time of the invention of the steam engine? The application of steam came into full operation in the middle of the war towards 1800, and it was impossible that that discovery, or its application, could be carried into effect on the Continent in time of war; but after the peace in 1814, the labouring population abroad had their exertions turned into that channel, and hence the competition that was now springing up. Perhaps he was not confining himself strictly to the question before the House, but he felt it right to answer the observations of the hon. Member for Wolverhampton. He denied, that the landed proprietors of that county had more interest in the question than the yeomen or shop-keepers of the West-Riding of Yorkshire, in fact the latter had a ten times greater interest. He should give his decided opposition to the motion.

Mr. *Poulett Thomson* said, that as it appeared to be the opinion of the House on this occasion that the general question of the Corn-laws should be reserved for discussion on a future occasion, he would not then go into that subject. It was therefore his intention to confine himself to the question under discussion, namely, the motion of his hon. Friend the Member for Wolverhampton, to hear evidence at the bar. He had given way with great pleasure to his hon. Friend the Member for the North Riding of Yorkshire, to hear what he might have to say against the motion of his hon. Friend behind him. He regretted that more Gentlemen, and especially hon. Members opposite, who were generally known to be adverse to any change in the Corn-laws, had not risen to address the House. It certainly appeared rather strange that only three hon. Members, and all of them sitting on his own side of the House, had got up to advocate the refusal of the motion of his hon. Friend. He could well understand the grounds on which the motion was opposed by those who repudiated any change in the policy of the Corn-laws, and he could understand why his hon. Friend who spoke last thought it to be both inexpedient and unwise to grant the motion. The hon. Gentleman stated, that he knew no reason for it, and this was because he wished for no new information favourable to the repeal. His hon. Friend was probably, like his noble Friend (Lord Worsley), and his hon. colleague the Member for Lincolnshire, against any change; they had made up their minds to allow no change, and therefore would have no new evidence brought before the House. But this was a very different answer coming from them, (the Opposition) coming from those who professed themselves favourable to a change. He would intreat the House to remember what would be the feelings of that great body of petitioners, asking not for a change—asking not for a hasty decision on this subject—not asking you at once to legislate, but that you should only hear their case, and allow them an opportunity of making out their statement, and laying before the House facts which they could prove—what must be their feelings if they were told that the House would hear nothing from them—that they should have no opportunity of making a statement—that the House would not give them permission to prove the facts they alleged by evidence at the bar—but that hon. Members were determined to adhere to the decision that those parties should not come to the bar of the House. Were the persons who thus petitioned them an unimportant body in the country, that the House could afford to treat them in this manner? They were the representatives of the wealth and intelligence of a great portion of this country. They were the representatives of that class to whom the country was chiefly indebted for its wealth, and power, and station among the nations of the world. Hon. Gentlemen opposite might be proud of their landed possessions, and boast of their long lines of ancestors; but what would now be their riches, or the value of their possessions, or their station in the world, had it not been for the rapid advances made in industry, intelligence, and wealth, by the manufacturing and commercial classes, who now pressed at the doors of the House and begged that they would hear their statement of suffering and distress. And who were now the petitioners to be heard at the bar? Why, the representatives of the Arkwrights, the Peels, and the Watts—the representatives of those men to whom you owed the means by which you fought the battles of this country, and contended against the united world in arms for upwards of fifteen years. And when these men only demanded a hearing, and an opportunity of laying their statement before the House, were they to be met with a denial like that made by the noble Lord and the hon. Gentleman that you will not hear them because you have made up your minds on the subject? What they asked was an opportunity of stating their case, and of adducing facts, supported by evidence, leaving it to their opponents to disprove them if they could. How would the case stand if this inquiry were refused? What was the case on the first night of the Session? His hon. Friend the Member for Kendal, in that part of his speech which regarded the state of the trade and commerce of the country, observed that the trade of the country, taken on a gross exhibition of the returns, was then in a more favourable condition than it had been in the four preceding years. The consequence was, that the right hon. Baronet opposite, in his answer to my hon. Friend, said, "You have done more to overturn the case in favour of the repeal of the Corn-laws, than the worst opponent of a change could have done with his greatest exertion." They, therefore, asked whether they should have no opportunity of proving their case, and of refuting the errors that had been alleged against them. But this was not a case where they could rest on mere documents, even upon official documents, and in which official documents could be taken as conclusive evidence. The manufacturers said, that their trade was almost closed with some foreign countries, and that they could not continue the competition to which they were exposed in many markets, and to which they were not formerly exposed. They said, "we will produce evidence to prove our statement, which you may contradict if you can—we will show you the manner in which we are competed with, and that we cannot continue it unless you change these laws." This was not all: if any one thing could convince and satisfy him more than another of the propriety of, and, indeed, the necessity of, acceding to the motion of his hon. Friend, it was the refusal they had met with of being heard in another place. So long as they had an opportunity of proving their case in the other House, he should have been satisfied; but access had been denied them there, and indeed, altogether refused, and the petitioners had now nowhere else to prove their case, and they came to that House as the great inquest of the nation, and demanded that justice, which was never denied in this country to any one—namely, that they should have an opportunity of proving their grievance. But what were the arguments that they had heard from hon. Gentlemen who were against any change of the Corn-laws? Why, that they had made up their minds on the subject. But the petitioners requested that they might be allowed to state their case, by which they hoped to effect a change in the minds of hon. Gentlemen; but they were told in reply, that if this were allowed, inconvenience would arise. But when hon. Gentlemen considered the interests at stake, and the claims of the persons from whom these petitions came, and the gravity of the matter under discussion, would that not weigh with them? But it was asked, "How can you examine witnesses satisfactorily at the Bar of the

House with the view of obtaining full information?" and they were told, that at the commencement of the inquiry too many questions would be put to the witnesses, and at the latter part of it too few. There was one case which he rested on as a parallel to the present—he meant the case of the Orders in Council—more than anything else that had been alluded to. They had heard the result of the inquiry into that case from his hon. Friend, who opened the discussion. If he required a confirmation as to the propriety of the course now proposed, it was furnished by the result on that question. A reference had been made to this subject in another place last night, and a quotation had been used respecting it, and being but a quotation he could refer to it without impropriety, and it confirmed him as to the impression likely to be made on the minds of Gentlemen by this mode of investigation. He would not do the majority of that House the injustice of supposing, that they had made up their minds against all change in the Corn-laws. But before he came to this point he would answer the objection that had been urged, that if the House acceded to inquiry great delay would take place, and the settlement of the question one way or the other would be postponed; but he had heard exactly the opposite argument used. Now it could hardly be seriously argued, that delay could be the object of the petitioners; but they were anxious, that the House should not proceed with too much haste, and that a decision should not be come to too soon. With regard to the quotation respecting the decision in the Orders in Council, he differed from some parts of it, such as attributing that result to the effect of clamour out of doors, as he did not think, that clamour proceeded to any great extent on the subject. It was, however, to this effect:—

"On the 20th of April, 1812, the House agreed, without a division, to hear evidence in support of the petitions. The inquiry on the side of the petitions was solely conducted by two Members, and each night presented a new operation and new defeats to the advocates of the Orders in Council, and new advantages to the opposite, by incidental debates on petitions presented, by discussions arising on evidence tendered, and by other matters broached occasionally in connection with the main subject. Government at first, conceiving and hoping, that the clamour which had been raised out of doors against their policy would soon subside, endeavoured to gain time and to put off the hearing of the evidence; but the party anxious for inquiry, kept steadily to their purpose, and insisted on calling in their witnesses at the earliest possible hour. They at length prevailed so far as to have it understood, that the hearing should proceed daily at half past four, and continue till ten, at least, by which means they generally kept the examination on foot until a much later hour, when all except those who took a particular interest in the subject, had long since left the House."

The result was well known; it was the repeal of the Orders in Council. He anticipated, that a similar result would be obtained if they went into the inquiry respecting the Corn-laws. He repeated, that he would not do hon. Gentlemen the injustice of supposing, that they were so prejudiced on this subject, that nothing would alter their opinions respecting the Corn-laws. That this inquiry at the bar would more than anything else alter their opinions he had not the slightest doubt, and it was precisely because such had been the effect in the case of the Orders in Council, that he was anxious for such an inquiry in this case; because the facts that would be adduced were of that nature, that Members of Parliament, from their avocations, were not likely to have any knowledge of. It was precisely on this ground, that a change of opinion took place in the former case, and such, he presumed, would be the result of the present matter, if they would call evidence to the bar, and open a discussion on the facts, that would be stated. His noble Friend said, that if they heard evidence on one side, they must be prepared to hear it on the other. He was anxious to hear it on both sides. He knew that a great many statements had been put forward in petitions, which were utterly inconsistent with the truth. It was only that morning on turning over the petitions that accompanied the votes, that he found one from an agricultural district, which he believed had been presented by the hon. Member for Cambridgeshire; he alluded to a petition from the parish of Landbeach, in that county. It stated, "that your petitioners had witnessed with indignation and alarm the dishonest and shameless clamour raised by interested parties against the Corn-laws." [*Cheers from the Opposition,*] It was very well for hon. Gentlemen opposite to cheer the opinion here expressed, that the clamour that had been raised was dishonest and shameless: all that he required was an opportunity of showing that it was not so. Surely hon, Gentlemen opposite would not persist in using such an expression: he did not believe that they would seriously bring a charge of such a general nature against men as respectable as themselves, and deny to them the opportunity of proving their case. But what were the other charges in this petition. They were matters of fact, which could only be proved or disproved at the bar. That it is an unquestionable as it is an undisputed fact, that foreign wheat, if duty free, could, upon an average of seasons, be imported into the English market at a cost, including freight and other charges, of *30s.* per quarter, and other grain in like proportion. He utterly denied the truth of this allegation. He allowed that upon a particular occasion or under peculiar circumstances some wheat might be obtained at this rate; this he did not deny: but that they could get a large and permanent supply at this rate was as much out of the question as the supposition that they could get it at *15s.* a quarter. It was possible, however, that there were Gentlemen with whom such a statement would have weight, and be conclusive. For instance, a gentleman had written to him a letter that morning, in which he stated that he had tried an experiment respecting prices of corn, and that he had bought wheat at Dantzic at 28s. a quarter, and that he believed he could always do so. No doubt he might have bought wheat at that price under particular circumstances on one occasion, but an assertion of this kind ought to have no weight. If, however, it should have weight with any, let him have an opportunity of disproving it, and this was all that was required. The petition which he had just alluded to proceeded thus:—"Your petitioners, therefore most humbly pray that your hon. House will deal justly in this matter with your petitioners, and not be persuaded to listen to the clamour and importunity of persons whose demand, selfish and dishonest in themselves, cannot be complied with but at the cost of the character and credit of this great country," When such charges, such grievous charges were brought against the manufacturing and commercial classes of this country; nay more, against some of the agriculturists, many of whom were as anxious for a change in the Corn-laws as the manufacturers, and when they wished to be heard at the bar in their defence, the House had no right to refuse it to them. His hon. Friend who opened the discussion made a most able statement of facts, and he only sought for an inquiry into those facts. In confirmation of the facts his hon. Friend had stated, he could bear his testimony, and without communication with the manufacturers on the subject, he had obtained other evidence, which induced him to believe, that the trade and manufactures of this country were likely to be in a most perilous position by the operation of the Corn-laws, and he believed, that the prognostication which he took the liberty of offering to the House on this subject a few years ago was not very far from being accomplished; and although there might be some increase in certain articles of manufactures, yet in others the trade was at least stationary, and looking to the progress of foreign countries it must be admitted, that the stationary condition must be unsatisfactory. He would not go into a statement or argument on this part of the subject unless hon. Gentlemen opposite should do so. He would not, from the course that the debate had taken, have gone into this subject after his hon. Friend, had it not been that, standing in the position which he had the honour to fill, it was his duty as well as his disposition to make a few observations to show the correctness of the facts stated by his hon. Friend. He would tell his noble Friend opposite, Lord Stanley, who seemed to think that he had furnished such a triumphant answer to the complaints of the manufacturers, by saying, look to the number of new mills erected at Preston, and other places, he would tell his noble Friend, that he did not deny, that there had been an increase in certain branches of manufacture; and admitting all this by evidence, which he got from other quarters as well as from the returns themselves, he would say, that whatever might be the increase in the manufactures, he believed that the difficulty in holding our own in the race of competition which we had to run had increased greatly and fearfully within the last few years. His hon. Friend had made some allusions to the difference in the character of our exports now from what they were in former times. It was true that in articles that might almost be called raw material, a great increase had taken place in the quantity of our exports, and in those articles into the manufacture of which labour entered to a great extent, and in which the manufacturing process was in a more perfect state than it was where it went through a great number of stages to complete it. We had suffered most severely from competition. But could it be satisfactory if we only remained standing where we were? Certainly not, because other countries had advanced, and were advancing rapidly in manufactures, while this country, if not retrograding, is at least standing still. With reference to the particular trade which was more especially the subject of discussion, he would allude for a very short time. He wished to direct the attention of the House to the trade with the states called the German Union in this particular branch, and he should divide the articles he alluded to into two classes—those into which labour very much enters, and those into which it enters but little. He, of course, put in the latter class cotton twist, linen yarn, and woollen yarn, as the cost of labour with machinery was only 2½*d.* or 3*d.* instead of 1*s* 2*d.*, which it would be if not done by machinery. He did not intend to go into a statement of figures unless he was called upon to do so; he would otherwise shortly state the case. The goods that he alluded to were exported to the ports of Holland, Belgium, and the North of Germany, through which the supplies to the states forming the German Union are sent. He would take the last ten years, not including 1838, however, because the returns for that year would not be made out until a late period of the present year. Taking, then, the period from 1827, he divided the articles of export in this trade into the two kinds of labour which he had described, and he would give the total value of each class. In 1827 the amount of the declared value of the exported manufactures of the first kind—that was that which was the result of a greater quantity of labour—was 4,783,000*l.* and of the latter 2,059,000*l*, making a proportion of the first kind to the second of sixty-seven per cent. to thirty-two per cent. The result in the subsequent years was as follows:—In 1828 the proportion was sixty-eight to thirty-one per cent.; in 1829, sixty-two to thirty-seven per cent.; in 1830, sixty-three to thirty-six per cent.: in 1831, fifty-eight to forty-one per cent.; in 1833, fifty-five to forty-four per cent., in 1834, the same as the last, fifty-five to forty-four per cent.; in 1836, the proportion was forty-eight to fifty-one per cent.; and in 1837, it was forty-seven to fifty-two per cent. Thus, in the course of eleven years a change had taken place from the proportion of sixty-seven per cent., of the first kind of goods to thirty-two per cent. of the second; and forty-seven per cent. of the first to fifty-one per cent of the second. He might be told that the year 1837 was a year of unusual depression amongst the manufacturers. But this was not the case in this matter, as the exports to the north of Europe in that year were much larger than they were in 1836. This objection, therefore could not apply. By the general returns they arrived near the truth; but it was necessary that they should go much further into details for the purpose of getting at it accurately; it was advisable that they should not merely look to general results; but it was necessary, for the investigation of the truth, to probe the matter, and go narrowly into the whole case. Hon. Gentlemen would of course remember that an address from the House, or commission to inquire into the condition of the hand-loom weavers had been appointed by the Crown. That inquiry necessarily led to an inquiry into the state of things in foreign countries, and gentlemen were sent abroad to prosecute those inquiries. He had moved, some days back, for a return of such reports as had been made to that commission by those Gentlemen. The general report could not, of course, be brought forward till all the several reports had been delivered in. From one of the reports which had been given in, he would beg to make an extract of a few lines. The gentleman who prepared it had investigated the subject intrusted to him in Switzerland, Austria, France, and Belgium, and the extract which he would make from his report had a strict bearing on our competion with foreigners. The extract was to the following effect:—"As a general result, I have arrived at this view, that we are forcing foreign countries to manufacture those goods for their increasing population which they have hitherto purchased from us, and which they would continue to purchase from us to a much greater amount than ever if we would take from them the agricultural produce, which they could well spare, in exchange for the goods which we have peculiar facilities for creating." The report would be on the table of the House in a few days, together with the evidence on which the party had founded his opinions. He had trespassed much longer on the attention of the House than it had been his intention to do on rising. He would conclude with intreating the House not to be blind to the propriety of hearing evidence at the bar. He called on the House to hear that evidence, unless it was their wish to send these petitioners back dissatisfied and discontented. They could gain no other object by a refusal than spreading grievous discontent throughout the country; while by granting the motion, they would at least give a large and influential body of men an opportunity so far to satisfy their minds as to produce before the House the facts of which they were in possession. He trusted, that as fair and candid judges they would hear all the evidence that was offered before they came to a decision on a subject, on which, as he conscientiously believed, rested mainly the prosperity, the happiness, of the people of this country for many years to come.

Mr. *Hindley* would not trespass more than a minute on the attention of the House, but he wished to read to hon. Members opposite the sentiments of one for whom he believed they entertained great respect; and when he mentioned the name, he had no doubt they would listen to him in silence—he alluded to Mr. Pitt, who, in 1785, when certain petitioners requested to be heard by evidence at the bar of the House, said,

> "That he would at all times be extremely delicate with regard to the introduction of any new precedent into the forms and proceedings of the House, and particularly one of a nature that could by any means interrupt or impede the access of their constituents to Parliament, either with petition, remonstrance, or advice, when they thought their own interest, or that of the public, likely to suffer for want of due information; that he should feel an irresistible temptation to sacrifice, not only the forms, but even the positive orders of the House, rather than suffer them to be an obstacle to any complaints which the apprehensions without doors might give rise to, in finding their way to the bar; and so far was he from wishing to encourage any obstacle of that kind, that although the House seemed almost unanimously to coincide with him, that joint interests were not entitled to separate discussion of counsel, yet he was satisfied he should be called in, and directed to proceed in his argument."

That was the way the subject was treated by Mr. Pitt.

Sir *H. Fleetwood* would not have risen except for the purpose of giving the noble Lord, the Member for North Lancashire, an opportunity of knowing what the truth was relative to the manufactories of Preston, as the noble Lord had made a speech the other day, the whole effect of which rested on a mere passing conversation. He wished to show the House, and the people at large, that even the noble Lord was not so well acquainted with the subject but that he must make the whole pith and substance of his speech rest entirely on the passing words of another Member passing up this House. He held in his hand information derived from the town he had the honour to represent, coming from gentlemen of the same politics as the noble Lord, and who expressed their astonishment at the statements made by the noble Lord, which appeared in the public papers. They asserted, that no factory (except one) had been commenced since the year 1836; that those which had been built, were engaged for long previously, and that yesterday, in the town of Preston, the working of short time, at eight hours a day commenced. He would not enter into the question then, except to give the noble Lord an opportunity of showing to the House, if he had it in his power, any evidence in contradiction to the facts he asserted the other day. He would boldly assert, the whole of that statement was incorrect. It was a statement only giving part of what he had said. The noble Lord did not ask for information on his authority, but only asked, whether such and such facts were not the case; therefore the noble Lord must have known something of the facts previously, or he would never have asked him, whether they were facts or not. He had no hesitation in stating, that he himself was in error, in the number of factories he had imagined had been built in a few years. The confession of an error was no disgrace. If a man like the noble Lord, the Member for North Lancashire—himself a Member for a large manufacturing district—was only able to found his arguments on the passing speech of another Member, what must be the case with the majority of Members connected with the House?

Lord *Stanley* did not mean to enter into any discussion, but wished to say that he should be sorry if anything like an air of ridicule should be cast on this very serious and important question. When his hon. Friend told him he was extremely astonished that he (Lord Stanley) should venture to speak on such loose information as it appeared he had received, as to the number of factories built within the last few years in Preston, he could only express to the hon. Baronet his regret that he should have relied on such loose authority, and assure him that he would never again deem similar authority satisfactory. The fact was, that having entered the House without any intention whatever of taking part in the discussion, he had been startled by a remark of the hon. Member who was speaking at the time, and felt that if it could be proved that within the last few years a great increase of machinery and manufactures had taken place, and many new capitalists had been invited into the trade, his argument would fall to the ground. That was the declaration of the hon. Member for Manchester. Fortunately, or unfortunately for him, the hon. Baronet the Member for Preston was passing at the time, and having had some acquaintance with that town formerly, and on passing rapidly through it last year, remarked, as every one must, the enormous number of factories erecting, he did not ask the hon. Baronet whether or not there had been a great increase lately, but whether he could furnish the exact amount. The hon. Baronet said, he could furnish the precise amount, and stated, that during the years 1836 and 1837 there had been built in the town of Preston 19 new factories, one of them involving an expense of 60,000*l.* before it could be brought into operation, which had occasioned the building of 1,500 houses, and that 11 factories had been built in one year, and 8 in the other. He was accused of having suppressed the fact that in the year 1838 no new factories had been erected. The hon. Baronet said to him, the fact was, that the speculation of the previous period had caused an overbuilding, and now there was a consequent stagnation. That was the statement made by the hon. Baronet to him, of which several hon. Gentlemen near him had heard every word. He should be sorry if he had misled the House in consequence of erroneous information, but he had quoted the words of the hon. Baronet. The hon. Member for Manchester could not deny, that there had been within the last few years a very great increase in the amount of our manufactures and machinery, but contended that that was no proof of our increasing prosperity, because the hon. Member for Preston said, they were contracted for two or three years before. What did he care for that, when he came to the inference which they wished to draw. They attributed to the Corn-laws the production of the greatest distress, and yet they admitted, for they could not escape from the fact, that whether in 1836 and 1837, or in 1834 and 1835, when the Corn-laws had been in existence for many years, there had been *e confesso* of all parties a vast increase of the number of factories. But it was said the manufacturers did not make so large profits as formerly. No man could dispute, that since 1815 other nations had been applying their energies to manufactures, and that their produce had been gradually increasing. Just as a child between eight and nine years old grew three inches, while a boy from eighteen to nineteen would grow perhaps one, their manufactures being in a stage of infancy had made a greater stretch than ours. Therefore the manufacturers said, "This is a proof, not that our manufactures are declining, for they are increasing, but that the Corn-laws, and the distress they produce, are the cause of our manufacturers' losses." That, he must be pardoned for saying, was an argument which could least bear following out of any he had ever heard. His hon. Friend had really thrown a little ridicule on this subject, and he might therefore mention a comparison he had heard applied. A friend of his wrote to him the other day, "The manufacturers are very like an old matchwoman who came up to me the other day as I was passing through one of the streets in London, and begged for charity. She said, 'I get my living by selling matches, and I assure your honour I lose by every one I sell; but, God be thanked, I sell a great many.'" That very much resembled the present complaints. The manufacturers said, "We assure you we lose on every article of our produce, but, God be thanked, our trade is increasing; the only fault we have to find is, that others are increasing as well as we." As to the fact of the great increase in our manufactures within the last few years, he would turn to a document, the authority of which, he apprehended, would not be disputed—the first report of the Poor-law Commissioners for 1835. Dr. Kaye, in his report relative to the district of Manchester, specified the quantity of steam-power either recently erected but not supplied with hands, or which is ordered and will be in operation in a year and a-half or two years, in the cotton district of Lancashire and its immediate vicinity. In the township of Hyde, the number of firms to which power was to be supplied was nine; in Ashton and Dukinfield, eight; in Stayleybridge, nine; Stockport, seventeen; Rochdale, sixteen; Bolton, nineteen; Todmorden, seven; Preston, ten; Glossopdale, seven; Manchester, twelve, &c., and the entire amount of horse power came to 7,507, contracted for in 1835, when the Corn-laws had been so long in operation to prevent our industry from developing itself in its full scope, but not brought to bear in full effect, in order not to glut the market till two years afterwards. As to the condition of the manufactures in the following year, Dr. Muggeridge, who was afterwards appointed to the same district, said, "As regards the increased demand likely to arise for additional labour in manufactures, the expectations of Dr. Kaye, founded on the valuable information obtained last year appear likely, to be fully realised. The estimate he made of the probable extent of the demands is not, I think, overrated." He quoted these statements in his own vindication for having rashly and incautiously adopted the information of the hon. Baronet, the Member for Preston, an imprudence which he never would repeat. He quoted them as his excuse for having suggested, that there might be other causes than the Corn-laws for some depression, not in the amount of our exports, but of the profits made by our manufacturers, and that there might be some ground for supposing, that even at present the manufacturers were not driving a trade in which their loss was large in proportion to the amount of goods they exported.

Sir *H. Fleetwood* wished to state to the House what he really had said. He was passing up on the other side of the House, when the noble Lord stopped him, and asked, whether there was not a great increase in the manufactures of Preston. He answered him, that there was. He thought that he had stated, that in one year there was an increase of ten manufactories, and another of nine; but that he had never mentioned to him the year; but when he came back he stated to him, that the factories then built had been engaged for long before, and that they had been built since; such was what he had really stated to the noble Lord, and though he might think it very well to get rid of a question by a sarcasm, he could not agree with him, that this was a question which ought to be so disposed of.

Mr. *Brotherton* knew very well, that the manufactures of the country had increased to a very great extent, and he hoped they would continue to increase as the prosperity of the country depended upon it. It was very possible, that a number of mills had been contracted for years ago, which were now completed; he did not deny, that such was the case; but what had been the result? Why, the manufacturers were not getting profit, of that there could be no doubt, and it was also certain, that at many periods those mills were kept at work when the manufacturers were not getting any profit at all; and for the truth of that, he could appeal to a vast body of the manufacturers of the country, when, however, they came to a certain loss, then it was their interest to stand still altogether. With regard to the mills being erected, it had been stated over and over again, that goods which required great labour, had decreased, but that with regard to yarns, the exportation had increased. If Gentlemen determined not to have an alteration in the system of the Corn-laws, until they saw manufactures decrease, they would find to their cost, that that period would be too late. He was convinced, that the interests and prosperity of the agricultural classes depended upon the prosperity of the manufacturers. With regard to the propriety of ordering evidence to be received at the bar—if Gentlemen had made up their minds that it should not be heard, well and good—for his part he required no evidence at all to prove to him the inhumanity of the present law; he had always been desirous of decreasing the hours of labour for children in factories, and he always should be, but that was not the subject of the debate for that night, though it was clear, that those children were the victims of these laws. All he wanted was a clear stage, and no favour. The hon. Gentleman appeared not to be convinced, that the object of having evidence heard at the bar was, to convince the country, and to enlighten the mind of the landed interest. Bring evidence to the bar of the House, and he would show the farmer that he was not interested in the question, but that the effect was to keep up the rents of the landlords.

Lord *John Russell:* It will be unnecessary for me to trouble the House long on the narrow question now before it, as what has been stated by my noble Friend, the Member for North Northumberland, completely forestalls any argument which I might otherwise have thought it necessary to address to the House. It is precisely on the grounds, that my noble Friend has adduced, that I, too, am prepared to vote against the hon. Gentleman's motion. In so doing, I will admit at once, that I consider his motion as fully conformable to precedent; as, indeed, more in conformity with the ancient usage of the House, than any other mode of obtaining the inquiry. Various precedents might be named, particularly two, both on great questions, on which the House has taken this course. One of these precedents has been alluded to by the noble Secretary at War, namely, the case of the orders in council, and my noble Friend pointed out distinctly the difference between that case and the one before us. He pointed out, that that was at the time a new question, and I may add to his statement, that while it was a question in which the Government of the day felt a deep interest, the Members of the House came down, generally speaking, with minds, as it were, altogether indifferent to the matter, though prepared to listen to the evidence, and decide impartially according to the statement of facts produced in evidence at their bar. But there was another great question on which evidence was heard at the bar, and that was on the state of the slave-trade. The slave-trade was established by law, and when Mr. Wilberforce moved to have that question considered, evidence was produced at the bar, but what was the progress of the affair? In May, 1789, Mr. Wilberforce obtained a Committee of the whole House, and it was ordered, that evidence should be heard at the bar. In January, 1790, the hon. Gentleman came down to the House and stated, that the mode of proceeding so adopted had proved most inconvenient; that very little progress had been made by the examination of witnesses at the bar; and the hon. Gentleman moved, that there should be a Committee up stairs, in order to carry on the inquiry with more convenience and dispatch. He stated, that such a Committee would be able to proceed with the examination of witnesses much more expeditiously than could a Committee of the whole House, who could scarcely ever begin their proceedings till a late hour, or without many impediments. This was the statement which in 1790, Mr. Wilberforce made respecting the Committee of the whole House, which he obtained the preceding year, and I cannot help thinking, that if we were now to agree to the motion of the hon. Member for Wolve hampton, we should, in 1840, find him coming forward with a statement that very little progress indeed, had been made; that he had had but a very limited attendance of Members during a great part of the time in which witnesses had been examined, and praying us to adopt some other mode of inquiry. With this impression on my mind, I am not disposed to assent to the mode of inquiry which has been proposed. Sir, I am not unaware of the importance of this question, or regardless of the extent to which it is agitated by those who would repeal the existing Corn-laws, and those who oppose them: and I am by no means prejudging the question of inquiry by taking exceptions to this mode of conducting it. If my hon. Friend should be anxious to have the question examined before a Select Committee, and bring the question in that shape before the House, I will by no means say, that I shall urge any objections to that course. I shall be then prepared to act in concurrence with the facts that may be elicited, and therefore prepared to vote in favour of the question being examined by a Committee. I cannot agree, Sir, with the conclusions of the petitioners, that because this House may be disinclined to hear evidence at the bar, we are, therefore, disposed to shut out all inquiry. I do not think that the petitioners are entitled, at the same time they ask for inquiry, to prescribe the manner in which it shall be taken; and I am satisfied, as I have already intimated, that, as in the case conducted by Mr. Wilberforce, a Select Committee of this House will be the more easy and expeditious mode of receiving information on the subject. It is quite evident, Sir, that we cannot go into the grievances of the manufacturers with reference to the Corn-laws, without hearing what evidence may be adduced also on the part of the agriculturists. And in every point of view in which the question can be considered, it appears to me, that the only course is, that of appointing a Committee. I shall not now enter on the general question of the Corn-laws; it will be sufficient to meet that question fairly when it is fully before the House; and for that reason, Sir, I confine myself to the few observations I have made on the question of hearing evidence at the bar.

Sir *Robert Peel;* Sir, the sincere respect I feel for the petitioners, my firm conviction that the interests which they represent are of the utmost importance to the general welfare of this country, makes me unwilling to give in perfect silence a vote which may appear to have something of harshness in it, excluding as it does, the inquiry for which they ask. But I find it exceedingly difficult to argue this question on the narrow ground upon which we are called upon to-night to discuss it. Many of the reasons, upon which I feel bound to exclude the inquiry, are the very reasons I shall urge, in vindication of the existing system of the Corn-laws. I must take a larger view of this question than was taken by the hon. Member for Wolverhampton, in coming to a decision; and I must look to the general and comprehensive interests of this country. I must ask, even if the fact be admitted, that corn is dearer in this country than in any other. I must inquire from what that has arisen. Is it the fault of the agriculturists, and what connection has taxation had with it. When you tell me that corn is 60*s.* a quarter, I ask is there not a paramount necessity for maintaining the obligations of public faith,—and is it just to repeal the Corn-laws, while continuing taxation upon the agricultural interests, which is the very cause of the high price of corn? Can I shut out of my consideration altogether the operation of the land-tax—the operation of the malt tax—the operation of the Poor-laws—the operation of the county-rate—and of all those burdens which press upon the landed interests? Can I consent to argue this question merely upon the ground, that corn is higher in this country than in any other, and that if it were lower it would reduce the competition with our manufacturers? Sir, I see that I have excited some alarm by stating such important questions, as entering into this subject, but I cannot exclude these great considerations in making up my mind as to the motion before this House. Still, as it appears to be the general wish of the House that this question should be argued upon this narrow ground—I will take that ground; be it narrow ground, or be it comprehensive ground, I am equally willing to argue the question. Well, then, Sir, I am asked to enter into an inquiry at the bar as to the operation of the Corn-laws. Why do I resist it? Upon the narrow ground of there being no direct precedent? Upon the ground merely that the inquiry would consume the time of the House? I do not resist it upon any of these grounds. I resist it from the strong conviction in my own mind that the present system of Corn-laws ought to be maintained—and because you have hitherto brought forward no plausible arguments in my mind. Sir, would there be no evil in the protracted inquiry? You say the inquiry would be merely into the operation of the Corn-laws? Can you limit it? Can you exclude an inquiry at the bar into the effect of the taxation of the land, and other complicated questions? Is it not perfectly clear, that the inquiry must be a most protracted one? Is it not equally clear, that during the progress of the inquiry the application of capital must be suspended—that there must be a total uncertainty on the part of the agriculturists and the manufacturers as to what direction they should apply their capital? And would there not therefore be the greatest evil in an inquiry protracted during this Session and the next? I doubt if you could confine it even within those limits. Then, Sir, I consider whether the arguments that have been brought forward in favour of an inquiry are so cogent as to induce me to enter into it? Sir, I listened with great attention to the speech of the hon. Member for Wolverhampton. I quite agree with him as to the great importance of this question; and that we ought, excluding all party and political feelings as much as possible—that we ought, as men of business, to inquire whether the manufacturing interests are so depressed—are in such a state of decay as to lay the foundation for the investigation. Now, says the hon. Member for Salford, (not imitating the example of those who preceded him in the debate), "I will throw discredit on the opponents of this inquiry by showing, that this is a landlords' question, and that the farmers have no interest whatever in it." Sir, is it quite so clear that there must be a reduction of rent if the Corn-laws are repealed. Don't you tell us that your object is not to reduce the price of corn—that you don't expect to reduce the price of corn?—yes, many of you say, that though the effect would be to raise the price of corn in foreign countries it will not diminish it here. [*No!*] Suppose the landlords believe you, and that they don't reduce the rent of their tenants, do you believe when those laws are repealed it will be an easy thing for the tenant where his capital consists of his plough, his household furniture and his stock, to transport himself and his family to new scenes where his industry can be rendered available? Can the tenant transport himself as easily as the manufacturer? This, then, as much land would necessarily be thrown out of cultivation by a repeal of the Corn-laws, is as much a tenant's question as a landlord's; and when we come to the discussion of the general question, I shall be prepared to show that it is not only a question of the greatest importance to the landlord and tenant, but that it is also a question of the most vital importance to the labourer. The opponents of any alteration in the present system will then be ready to show that the good which was anticipated from a repeal of the Corn-laws by their opponents, can only flow from a reduction of wages, and that a reduction of wages, even with a low price of corn, will prevent the labourer from purchasing a greater quantity of bread, or of the other essentials of life, than he does at present. I shall attempt to prove, and I believe that the attempt will be successful, that the labourer, whether agricultural or manufacturing, will not be benefitted by the alteration which the opponents of the Corn-laws propose. The hon. Gentleman has also said, "True, many new manufactories have of late been erected," but with a grave face the hon. gentleman stated, "that no profit had been or could be derived from those undertakings while the present Corn-law system was permitted to exist." Now, when in 1823 a similar argument was applied to the complaints of the farmers, the argument was treated with ridicule, and the farmers were told that new fields were open for their industry, and that if they could not subsist on their farms, Bagshot-heath and other wastes must remain uncultivated, on which they might successfully exert their labour and expend their capital. They had proved on that occasion, as they thought triumphantly, that it was impossible that the farmers could suffer while there were other fields open for their industry, to which they might transport themselves, and other sources of employment where their labour could be successfully exerted. But the same argument is applicable to the manufacturers, and with equal justice it may be said, that they are not bound to their present dwellings, and that they might find other sources for the successful exertion of their industry. But I will take the speech of the hon. Gentleman who brought forward this motion as my guide, and will argue the question on the narrow grounds which the hon. Gentleman has occupied. The grounds which the hon. Gentleman took, were these; (I have taken down the very words which the hon. Member made use of, so that I cannot have any doubt as to his object):—the hon. Gentleman said, "I admit that there has been during late years a progressive increase in certain articles of British manufacture; but I contend, in the first place, that those exports have been made without anything like a corresponding profit; and, secondly, that the increase has been in raw materials, and not in those articles upon which labour has been bestowed by the manufacturer of this country." The hon. Gentleman said, that in those articles on which much manual labour was required, there had been no increase in the amount of exports; but in those articles, as cotton twist, where little human labour was necessary, he admitted an increase had taken place. Now, I will suppose that statement to be correct; but what is the inference which the hon. Gentleman drew from the fact to which he had alluded? The hon. Gentleman said, that by the operation of the Corn-laws, the English manufacturer was subjected to an unfair competition with the other States of Europe; and that the reason why the nations of the continent required more of the raw materials of this country, and less of our manufactured goods, was, because of that competition which had been created by our exclusion of their agricultural produce. The hon. Gentleman said, that the nations of the continent had been forced to become our competitors by the operation of the Corn-laws. Now, supposing the facts which had been stated were correct, I am not prepared to concur in or to adopt the inference which the hon. Gentleman has drawn from them. The hon. Gentleman said, "Don't pride yourself on the superior quality of English manufactures—don't suppose, that their superior quality will command a market on the continent of Europe, for the nations of Europe are now our rivals—have now become our successful competitors by the exclusive and injurious operation of the Corn-laws. In those countries where we once commanded a ready market, manufactories have been established; and to those countries, as the consequence, we no longer export the usual quantity of our manufactured goods." It may be so—I will suppose the hon. Gentleman to be correct; but I will ask him to extend his reasoning a little further, and to inquire whether, after the lapse of twenty-three years of profound peace, it is unnatural to expect that the nations of the continent should devote themselves to those industrious pursuits which they saw this, and other countries successfully following. Is it not inevitable, that those nations should, in the progress of improvement, devote themselves to manufacturing industry; and was it necessary to suppose the Corn-laws the stimulus to the pursuits of the arts of peace? Look at Saxony, says the hon. Gentleman, and see the enormous progress she has made in fifteen years. Why, Sir, I ask the hon. Gentleman to read the history of Saxony for the four years previous to that of 1815, when it was the battle-field whereon all the great contests of Europe were decided; and I ask you, when peace was restored, are you surprised that the inhabitants of that country should turn their attention to this peaceful employment of their capital and labour? Sir, it is because they are men—it is because they are embued with some feelings of a love of gain—these are the reasons why manufactures are extending themselves throughout the continent. But, says the hon. Gentleman, the United States of America are becoming manufacturers. But can anything be more natural than the establishment of manufactories in the United States? As the amount of wild and uncultivated land diminishes, as the operations of agriculture become more difficult, and as the people increase and towns become extended, can it surprise any one that, in such circumstances, the United States should gradually advance into the rank of a manufacturing nation, and that they should seek to supply the wants of the people from the products of their own industry? Such is the inevitable course of things; and it requires no allusion to the Corn-laws to explain the reason of other nations becoming the competitors of the English manufacturers. But, Sir, I say, if I admitted the hon. Gentleman's facts, I should not be prepared to condemn the Corn-laws upon the two grounds which he has laid down; first, that the price of corn is higher in this country than on the continent; and, secondly, that those who were formerly our consumers, are now become our competitors.—[Mr. *Villiers:* I assert that.] But I deny the hon. Gentleman's facts. The hon. Gentleman says, that there has been a gradual diminution in the export of all those articles in the cost of the production of which the cost of living enters. Now, I trust, that the House will pardon me if I limit myself to the new ground upon which he has argued this question; and I trust, the House will listen to the attempt I shall make to demonstrate the fallacy of the hon. Gentleman's statements. I am going to show you, that the view which he takes of the relative increase or diminution of British manufactures, ought not to be taken as he has described. I am going to show you, that not only has there been an increase in the amount of our manufactures—that not only in the amount of wool or woollen yarn, or of cotton twist or of cotton yarn, has there been an increase; but I will try to convince you, that there has been a progressive increase in the export of those very articles, in respect to the price of which the cost of human subsistence does enter. Sir, I hold in my hand an account which I believe to be correct; being a comparative statement of the declared value of British cotton goods exported from the United Kingdom in each of the last eight years, distinguishing the several species of manufacture. What I am going to show is, that there has been a progressive increase in the last year, as compared with the former seven years. Not in the raw material alone—not in cotton yarn, or cotton twist, but an increase in those very goods in which manual labour chiefly enters, and the price of which ought to be affected by the price of provisions. Now, Sir, the total quantity of cotton goods exported—[An hon. *Member:* To all parts of the world?] To all parts of the world, and I say that this is infinitely more satisfactory than the opinions of any Gentlemen whom we may examine at the Bar. The hon. Gentleman may tell me that the exports to Saxony have declined on account of powerful cotton-mills being established in Switzerland or in France; but I should protest against any conclusion being drawn from individual testimony. I say, Sir, refer to the total exports; let us know the whole of the trade, and from the general results let us determine whether that argument, founded on the decay of our manufactures, and the only argument I have to contend against is well grounded. I shall exclude all the other points; I shall exclude the case of Ireland; I shall exclude all other considerations, and argue this, as you demand it, on your new ground—namely, has the export of these manufactured articles, in which the price of labour and manual skill chiefly enters, declined? First, I shall take the total amount of cotton goods exported; I shall take the average of the last eight years, and I shall exclude from my calculation those years which the hon. Gentleman, somewhat arbitrarily introduced into his statement, taking at one time the years 1826, 1827, and 1828; and at another time the five years after the peace, but I shall take the last eight years, during which the Corn-laws have been in operation. That is the first test of the Corn-laws. Sir, I contend that these manufactures have flourished, and have progressively increased. I shall compare the average of the last year, 1838, with the averages of the seven preceding years, and I ask any man of reasonable candour to attend to the results which I shall lay before the House. First, I shall state the total amount of cotton goods; the total amount of cotton goods exported in the seven years preceding 1838; the average was 20,100,000*l.* declared value,—mind, not official value. What was the amount for the last year, 1838? Why, Sir, it increased from the average of 20,000,000*l.* to 24,000,000*l.* Taking the total of cotton goods, the declared value of all the cotton goods exported in 1838, as compared with the seven preceding years, exhibited an increase of 4,000,000*l.* declared value. No doubt the hon. Gentleman will say, but you include in that, the export of cotton twist and yarn. Certainly I do—I give you the total amount of cotton goods, and I shall tell you what the increase on the export of cotton twist and yarn is. The average of the seven years preceding 1838 was 5,340,000*l.*; the declared value of the cotton twist and yarn exported in 1838, compared with the average of the seven preceding years was 7,430,000*l.*, thus accounting no doubt, for 2,000,000*l.* of the increase of the whole. Now, Sir, I have to account for the remaining two millions, which, in addition to the two millions on cotton yarn, is the total increase for 1838. The hon. Gentleman complained grievously of the declining state of the hosiery trade. He read to the House an account of the exports of hosiery from Saxony to Cuba, and the diminished exports from this country to Cuba. Sir, I say, in order to judge of the whole results one must not take the single case of Saxony, nor the exports to Cuba; but in order to decide whether the hosiery trade is in a state of almost hopeless decrepitude, we must look for the average of seven years' exports to all the world, and then compare the average to 1838. The average of the seven years to which I have alluded, of the hosiery exported, was 587,000*l.* the declared value; while of the exports of this falling trade in 1838, the declared value amounted to 650,000*l.* Now, Sir, I will take another large branch of our manufactures, one in which manual labour largely enters. I will now take the articles of calico, muslin, dimities, shawls, and hats. These are articles in which human labour constitutes the greatest part of the value. The average for the seven years before 1838, the declared value of our exports in these articles amounted to 13,300,000*l.*; in 1838 the declared value of the exports of the same articles had risen to 15,320,000*l.* This is your ruined and falling-off trade. In cotton twist and yarns, as I have before stated, the average for the seven years previous to last year was 5,340,000*l.*, while in 1838 it had risen to 7,430,000*l.*; so that you have an increase upon the aggregate exports of the country. I can tell you what it was. The increase during the last year is from the average for the last seven years of 14,700,000*l.*, to the amount last year of 16,700,000*l.* This is a positive increase, and that increase upon the highest description of our manufactures, upon those in which human labour most largely enters. Now, I shall ask, how can it be gravely contended, with such facts before us, that the manufacturing prosperity of this country is diminishing, and is in such jeopardy as the hon. Gentleman would have us believe, or that the operation of the Corn-laws has been so hostile to the best interests of the country? The hon. Gentleman has afterwards referred to the increase of the imports of cotton into various States in Europe, and therefore, as a consequence, there is good ground for believing that our cotton manufactures must necessarily be on the decline. Now, Sir, I have a return in my hands, I cannot be answerable for its accuracy, but it is taken from a circular which is published in Liverpool, and which is, I believe, implicitly relied on by the trade, and which contains an account of the consumption of cotton in all the countries during 1837 and 1838. The hon. Member referred particularly to Switzerland and the States of Germany. Now, Sir, this return professes to give an account of the quantity of cotton consumed in Europe, and this is what it states. The cotton imported into England in 1837, was 1,059,000 bags, while in 1838 they amounted to 1,208,000 bags. The cotton imported into France in 1837 was 357,539 bags, and in 1838 it had risen to 393,000 bags, showing an increase in France, but the result of the whole imports into the other countries of Europe, comparing the consumption of 1838 with that of 1837, was, that there was a deficiency of two per cent in the latter year. I do not mean to say, that there has been a decline in all countries, but there was a decline upon the whole of two per cent. In France the increase amounted to nine and-a-half per cent; but, let me ask, what was the increase in Great Britain? Why, the increase amounted to seventeen and-a-half per cent. Now, how can it be gravely contended, in the face of these facts, that our manufacturing interest was in such an alarming and failing case, therefore I cannot agree with the hon. Member, that our manufactures are in a gloomy and alarming state, and that our former consumers are about to drive us out of foreign markets. My opinion, Sir, is, that while the blessing of peace remains with us and other nations, it is impossible for us to remain the manufacturers of cotton for the whole world. It is impossible that we can be so, for while a country has a long period of peace, when protection is given to her industry, it is the most natural thing in the world, that she should increase her manufactures, and I was not aware before, that it was one of the maxims of political economy to repine at or to take means to stop the progressive improvemements of the human race. The object of the hon. Gentlemen opposite, is, to increase the price of corn in all foreign countries, in order to check the progress of their manufactures. Not a very benevolent object I must confess. The object then being to diminish the manufacturing prosperity of other countries, is there not a bare possibility that other countries may find out what our object is, and defeat it. Is it not just possible, that they may attempt to save their manufacturers by imposing a duty upon the export of corn, which will deprive us of the large revenue expected from the corn, and wholly defeat our object. I have already stated, that this country consumes fifty-two millions of quarters of grain in a year. Let me now ask whether it would be a wise consideration for this country which has hitherto depended upon internal sources of supply to make the experiment, how far in case of war or famine it might rely upon procuring for money the necessary amount of food from foreign countries? This would lead us into a general consideration of the Corn-laws, into which according to the proscribed limits of the hon. Member for Wolverhampton I shall not now enter, but which I shall be ready to undertake when a general consideration shall come on, and to show, that it is the interests of all classes, and the interests of the manufacturing classes especially, not to persevere in the fallacious notion of interfering with agricultural prosperity to their own benefit. But I argue on the grounds of the hon. Gentleman. He promised to make a *prima facie* case in support of his motion, that under the present system the declared value of manufactured produce, into which manual labour chiefly enters, has decayed, and that foreign manufactures have increased to an alarming extent; but I have shown, that our exports in general are very much increased, and that those manufactures which are of a finer description have also increased, in our exports, in a corresponding ratio—that if the competition in cotton twist, manufactured abroad, is great, the manufacture of England, in this department is at least equally as flourishing. Now, seeing what must be the evils of a protracted inquiry, and of agitating the public mind, on these narrow grounds—passing by the general considerations of the question, I must, with all respect to the petitioners, give my decided negative to the application.

Mr. *Villiers* replied. When I brought my motion before the House this evening, I had some doubts as to the propriety of the course I had adopted, and some doubts as to whether my viewwas justifiable and correct. I now rise with very different feelings. I am now confident that the course which I took and which the petitioners recommended, was a wise and sensible one. Unfortunately I was not in the House when the noble Lord on the Treasury Bench spoke against the motion; but from what has been repeated to me, I should suppose that he must now feel himself, that what he stated was very little in place. He took it upon him to assure the House, that the inquiry would be idle, because the facts were admitted, and it would be impossible to add anything further to the information of the House. I think this idea of the noble Lord has been pretty well disproved by what has been subsequently said. As I entered the House the noble Lord opposite (Stanley) was speaking. He assumed, I suppose, that my facts were not correct, for he reasoned, as if I had not spoken, and left my views entirely out of the question. He concludes against the inquiry, on account of the increase of factories. He says there are more mills, and therefore more capital has been invested in manufactures consequently, argued he, the manufacturing interest of this country is in a most flourishing condition, but that is overlooking entirely the case I have submitted to the House, as the ground of inquiry. From what I have heard, however, the right hon. Baronet opposite treated the subject with the respect it deserved, and in a more straightforward way than any other hon. Member who has opposed the inquiry. I was told that the noble Lord (Lord Howick) ridiculed the idea of the inquiry, and treated my motion with contempt. [Lord Howick, "*No, no.*"] The right hon. Baronet, however, fairly admitted, that if they should establish the facts which they had alleged in evidence, he had yet made up his mind to mantain the Corn-laws. I do not blame the right hon. Baronet for this difference of opinion with myself; but in disputing the correctness of my facts, he has not fairly represented what I stated to the House. He would, the hon. Gentleman continued, if the House would permit, set himself right with them and the right hon. Gentleman on this subject, by briefly recapitulating what he had said concerning it in his opening speech. He begged to assure the House, that he could do it in one sentence. All he had said, was, that there were certain indications of coming evil to this country, in the loss, or non-increase of the export of certain manufactured goods, and which well deserved the serious attention of the legislature, he had particularly guarded himself against making any exaggerated statements of general distress, or that the manufacturers were in astate of hopeless decrepitude, and which he begged to say, was the right hon. Baronet's expression, not his. The petitioners stated clearly, that they had ceased to export to other countries, to which they had formerly been in the habit of exporting, while the character of other exports had much changed, and they wished to show the House the cause why this had happened, and why it was, that a rapid increase which had taken place in the exports of other countries, while we had all the advantages attendant upon our being an old manufacturing country, while they were under the disadvantages necessarily attendant upon their being an infant manufacturing population, which so far from being an advantage, as had been represented by some hon. Members, was a decided disadvantage. Now why is it that these countries have so rapidly increased, and that we have not increased in proportion? This inquiry is the case of the petitioners. On this case issue is joined, and on this issue the petitioners wish to offer you evidence. They wish to shew you, that our exports have not increased in proportion to the increasing demands of the world: and that not only do we no longer possess that monopoly of manufacture which we formerly possessed—not only do foreign manufacturers undersell us in their own markets, where we formerly had the monopoly, but they meet us in their markets, and undersell us there. If you admit these facts, and allow that we are undersold, we ask you to inquire into the cause. The right hon. Baronet has stated no fact contravening these positions. He did not deny the official returns—he did not deny, that though the gross exports of goods had increased, that there was a difference in the character of those exports which was one part of our case. But he thought nothing had occurred to-night, to show that the House was in possession of sufficient information on this subject to enable it to come to a decision on the general question. It is clear, that the operation of the Corn-laws in producing this state of things is not generally admitted. As long as any difference of opinion remained on this subject, there was a case for inquiry. The petitioners desired to be heard at the bar in preference to going before a Select Committee, because Select Committees had fallen into utter discredit. None of the great changes which had recently been effected had been effected by a Select Committee. In the cases of the Poor-Law and the Municipal Law what had Select Committees done? Not a fact had been elicited by the Poor-law Commissioners which had not over and over again been published by Committees of this House, and yet they had been unable to produce any measure founded on the Reports of those Committees. If it was desired to smother inquiry, the best method that could be adopted, was to refer the matter to a Select Committee. No other argument had really been offered against this mode of inquiry but that of convenience, and therefore he should certainly take the sense of the House upon it.

Sir *R. Peel*, in explanation, would not have spoken at all on this occasion, if he had understood the first speech of the hon. and learned Member in the sense in which he understood his reply. From the latter he understood that the gentlemen who had petitioned the House were prepared to show certain indications of an approaching evil which provident statesmen ought to attend to. His argument had been directed against that contained in the first speech of the hon. and learned Member, which he had taken down—namely, that the manufacture of articles into which manual labour entered, or which was affected by the price of provisions, was gradually decreasing, and had gradually been driven out of the market by foreign competitors, and he (Sir R. Peel) had read his returns to show this country was not in the condition which he had understood the hon. and learned Gentleman to state.

The House divided.—Ayes 172; Noes 361: Majority 189.

List of the AYES.

Abercromby, hn. G. R.
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Col.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, W. J.
Blewitt, R.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Col.
Campbell, Sir J.
Chalmers, P.
Childers, J. W.
Clay, W.
Clive, E. B.
Codrington, Adm.
Collier, J.
Collins, W.
Conynham, Lord A.
Currie, R.
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Dennistoun, J.
D'Eyncourt, C.
Duff, J.
Duke, Sir J.
Duncan, Lord
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. G.
Dundas, hon. T.
Easthope, J.
Elliott, hon. J. E.
Ellice, Captain A.
Ellice, E.
Evans, Sir De L.
Evans, W.
Feilden, W.
Fielden, J.
Fenton, J.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Ld. D. G.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hill, Lord A. M C.
Hindley, C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Howard, F. J.
Howard, P. H.
Hume, J.
Humphery J.
Hutt, W.
Hutton, R.
Jervis, J.
Jervis, S.
Johnson, Gen.
Kinnaird, hon. A. F.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Leveson, Lord
Lister, E. C.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Macleod, R.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Milton, Visc.
Molesworth, Sir W.
Morpeth, Visc.
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connell, M.
Ord, W.
Paget, Lord A.
Paget, F.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pechell, Capt.
Philips, M.
Philips, G. R.
Phillpotts, J.
Ponsonby, hon. J.
Protheroe, E.
Ramsbottom, J.
Rice, E. R.
Rippon, C.
Roche, E. B.
Rolfe, Sir R. M.
Rundle, J.
Salway, Col.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sharpe, Gen.
Smith, J. A.
Smith, B.
Somerville, Sir W. M.
Speirs, A.
Standish, C.
Stanley, E. J.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Stock, Dr.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Tancred, W. H.
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Vivian, J. H.
Wakley, T.
Wallace, R.
Warburton, H.
White, A.
White, L.
Wilbraham, G.

Williams, W. A.
Wilshere, W.
Wood, Sir M.
Wood, G. H.
Wrightson, W. B.
Williams, W.
Yates, J. A.

TELLERS.

Villiers, C. P.
Ward, H. C.

List of the Noes.

Acheson, Visc.
Acland, T. D.
A'Court, Capt.
Adare, Lord
Aglionby, Major
Alford, Lord
Alston, R.
Arbuthnot, hon. H.
Archbold, R.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, W.
Attwood, M.
Bagge, W.
Bagott, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Baker, E.
Baring, F. T.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Visc.
Barry, G. S.
Bateson, Sir R.
Bell, M.
Bellew, R. M.
Bennet, J.
Bentinck, Lord G.
Berkeley, hon. C.
Bethell, R.
Blackburn, I.
Blackstone, W. S.
Blair, J.
Blake, M. J.
Blakemore, R.
Blandford, Marquis
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantilupe, Visct.
Cartwright, W. R.
Castlereagh, Lord
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chapman, Sir M. L. C.
Chapman, A.
Chetwynd, Major
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W. R.
Clerke, Sir G.
Clive, Visct.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Visct.
Compton, H. C.
Conolly, E.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Craig, W. G.
Crawford, W.
Crawley, S.
Cresswell, C.
Cripps, J.
Crompton, Sir S.
Curry, W.
Darby, G.
Darlington, Earl
De Horsey, S. H
Dick, Q.
D'Israeli, B.
Donkin, Sir R. S.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Visct.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Ebrington, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Estcourt, T.
Etwall, R.
Evans, G.
Farnham, E. B.
Farrand, R.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzgibbon, hon. Col.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. M.
Gibson, T. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marquess
Grant, hon. Colonel
Grant, F. W.
Grattan, J.
Grattan, H.
Greene, T.
Greenaway, C.
Grey, rt. hon. Sir C.
Grimsditch, T.
Grimston, Visct.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir G.
Heathcote, Sir W.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hinde, J. H.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, Sir R.
Howick, Visct.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestrie, Visct.
Ingham, R.
Inglis, Sir R.
Irton, S.
Jackson, Sergeant
James, W.
James, Sir W. C.
Jenkins, Sir R.
Johnstone, H.
Jones, J.
Jones, T.
Kelly, F.
Kemble, H.
Kirk, P.
Knatchbull, hon. Sir E.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lemon, Sir C.
Lennox, Lord G.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Col.
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, Major
M'Taggart, J.
Maher, J.
Mahon, Visct.
Maidstone, Visct.
Manners, Lord C.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Melgund, Visct.
Meynell, Captain
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, P. M.
Monnypenny, T. G.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morgan, C. M. R.
Murray, A.
Nagle, R.
Neeld, J.
Nicholl, J.
Noel, W. M.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Ferrall, R. M.
O'Neill, hon. J. B. R.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.

Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Visct.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Perceval, hon. G. J.
Philipps, Sir R.
Pigot, R.
Pinney, W.
Planta, rt. hon. J.
Plumptre, J.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Power, J.
Powerscourt, Visct.
Praed, W. M.
Praed, W. T.
Price, R.
Pringle, A.
Pryme, G.
Pusey, P.
Redington, T. N.
Reid, Sir J. R.
Rice, rt. hon. J. S.
Richards, R.
Rickford, W.
Roche, W.
Roche, Sir D.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
St. Paul, H.
Sanderson, R.
Sandon, Visct.
Sanford, E. A.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheil, R. L.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, A.
Smith, G. R.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stanley, M.
Stanley, W. O.
Stormont, Visct.
Strangways, hon. J.
Sturt, H. C.
Style, Sir C.
Surrey, Earl of
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Tollemache, F. J.
Townley, R. G.
Trench, Sir F.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Visct.
Vivian, Major C.
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Wemyss, J. E.
Whitmore, T. C.
Wilbraham, hon. H.
Wilkins, W.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Worsley, Lord
Wyndham, W.
Wynn, rt. hon. C. W.
Wyse, T.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Fremantle, Sir T.
Seymour, Lord

HOUSE OF COMMONS,

Wednesday, February 20, 1839.

Minutes.] Petitions presented. By Sir C. B. Vere, from two places in Suffolk, against any system of National Education not connected with the Established Church.—By Mr. Broadley, from the West Riding of Yorkshire, against the New Poor-law.—By Colonel Sibthorp, from Lincoln, for Protection to Irish Protestants.—By Mr. Blackburn, from Warrington, against any further Grant to Maynooth College.—By Mr. W. Miles, from Bristol, against the Beer Act.—By Viscount Dungannon, from Persons in Canada, and from Wellington, for Church Extension in Canada.—By Sir G. Heathcote, from a place in Lincolnshire, against Beer Houses.—By Mr. Ellice, jun., from a place in Fife, by Mr. Hume, from Maldon, by Mr. Thorneley, from Wolverhampton, by Mr. Hutt, from Hull, and by General Sharpe, from Dumfries, for the Repeal of the Corn-laws.—By Mr. Noel, from twenty places, by Mr. Bramston, from several places in Essex, by Mr. S. Lefevre, from one place, by Lord G. Lennox, from Chichester, by Mr. Goring, from one place, and by Sir E. Knatchbull, from several places in Kent, against any Alteration in the Corn-laws.

Railways.] Lord *Granville Somerset* wished to ask the President of the Board of Trade whether it were his intention to move for a Select Committee, or to introduce a measure regulating conveyance by Railways? It was quite necessary before the House proceeded with any Railway Acts that the House should come to some resolution as to the propriety of enacting more stringent measures for rendering the Railway Companies responsible for injuries occasioned by the neglect and carelessness of their servants.

Mr. *P. Thomson* could not positively say what the intentions of Ministers were as to this subject but he was willing to say it was worthy the consideration of the House, and that circumstances had lately been brought to his knowledge, convincing him that it was important, either by the appointment of a Select Committee, or by the introduction of a Government measure, to discuss the propriety of making some regulations, which had formerly been neglected—not through any fault of his, but through the current of public feeling being then against such regulations; he would certainly give the question the best consideration in his power. He thought it would be impossible in the Committees on Private Bills, to introduce the necessary additional regulations; for those Committees were in general occupied by private interests, and the public interests were too much neglected. It was, therefore, essential that the House itself should consider the subject: and on any applications for new Rail-way Bills, or applications for enlarged powers, by the promoters of railway schemes, to effect such alterations as would save the public from the great inconveniences to which they have been subjected by the Railway Companies.

Subject dropped.

Public Credit—Deficiency Bills.] Mr. *Pattison* wished to ask the right hon. Gentleman, the Chancellor of the Exchequer an important question. He thought it of the highest importance to the public credit, that a statement made in a paper of that day should be contradicted, if it were not founded on fact. The statement to which he alluded, was to the effect, that no portion of the deficiency bills had been paid off since the 1st of January. He wished to know whether that were correct.

The *Chancellor of the Exchequer* had not previously seen the paragraph in question, but in the course of that day he had received a communication from his right hon. Friend, the Comptroller of the Exchequer, calling his attention to the extraordinary statement which had appeared relative to the matter to which the hon. Member had alluded. It was not because he thought such statements should on ordinary occasions be noticed, or refuted, that he replied to the question, because he thought that the more free and unrestricted discussion was out of doors, the better it was for the community at large. But where a statement made had a tendency to affect public credit and where it admitted of an immediate and direct contradiction, he thought it justifiable for any hon. Member to ask the question, and he thought it the duty of a Member of the Government to answer the question. His attention had been called to the subject by his right hon. Friend, the Comptroller of the Exchequer, and the best answer that he could give to the question which had been put, was, to read the letter from his right hon. Friend, in which he stated, that he had always disregarded statements which appeared in the public press respecting the conduct of business in his office, but that if he now deviated from that course, it was, because he considered an article which had appeared in that day's City intelligence, as was one vitally affecting public credit, and that it therefore became necessary for him to declare the statement totally unfounded, and at complete variance with the existing condition of the financial department. His right hon. Friend then referred to a fact, which the House, he was satisfied, would have great pleasure in hearing, that so far was it from being true that no deficiency bills had been paid off since the 1st of January, a larger amount had been paid off in the present year, than at the similar period of the previous year. It was not for the mere purpose of contradicting a paragraph of that description that he had made his statement, because such paragraphs were generally written without any knowledge of the official facts, but the House would feel, that in a matter so deeply affecting the public credit, his right hon. Friend, the Comptroller of the Exchequer had only done his duty in enabling him (the Chancellor of the Exchequer) to give to the assertion an immediate direct and complete refutation.

Education.] Mr. *Wyse* rose to move an address to her Majesty, that she will be graciously pleased to appoint a Board of Commission of Education in England, with the view especially of providing for the wise, equitable, and efficient application of sums granted, or to be granted, for the advancement of education by Parliament; and for the immediate establishment of Schools for the education of teachers in accord with the intention already expressed by the Legislature. The motion which he had given notice of on the first day of the Session was in the same words as that which he had brought under the notice of the House during the last Session, and therefore it would not be his duty to detain the House at any great length. In 1833, and every year since, the House had granted a sum of 20,000*l.* for the purpose of education, which had been divided between two bodies, but as they were comparatively private bodies, and as they had no system of inspection, they were totally inadequate to the necessities of the country. By their system they excluded Roman Catholics from their schools, and therefore it was of no use to a large portion of the population most requiring education. Much dissatisfaction also existed with respect to the body through whom the sums came. It was objected, that the Treasury was not the proper body, having so many and such important duties to perform, to have the control of the education of the country. Therefore on this ground last year he brought forward his motion, which was very fully discussed. At that time it was permitted to him to take any course he pleased. Now the course he intended to take was in some degree anticipated by the plan of her Majesty's Ministers. It appeared there was no wish on their part to interfere with the conscientious opinions of the people. He, however, much wished that the system of education should be agreeable to the general feelings of the people, because, in his opinion, this country should be the last to endeavour to force any system on the people contrary to their inclinations. He would merely say, that a combined and tolerant was the best system, and asked the Government, which would have the distribution of the public money, to support that system. He thought the mode of instruction, in regard to religion, should be selected by the religious ministers of the locality. He took the liberty to enter on subjects of that kind, because imputations had been thrown out against him, or rather his objects had been impugned by the Church party. He should, however, take the liberty of distinctly stating his opinion, and he thought it right, that the Establishment should support the schools wherever it was practicable. Owing to certain circumstances at the commencement of the present year, he gave a notice with the design of submitting to the House the same motion as he had made last Session, but he found by the statement of the noble Lord, that the subject had gained the attention of Ministers, who appeared now to take the matter seriously in hand. He found, that attention had been paid to what he had said, and that there was a willingness to adopt the principle of his resolutions in its fullest extent, and to supply the deficiency of national education. The time would shortly arrive, when, by the estimates coming before the House, it would see to what extent the Government meant to carry its system. Not feeling himself justified, under those circumstances, in calling for a division or a discussion on the subject he would withdraw his motion.

The *Speaker* observed. that the course pursued by the hon. Member was most inconvenient, for he had made a speech when there was no question before the House.

Motion withdrawn.

HOUSE OF LORDS,

Thursday, February 21, 1839.

MINUTES.] Bill. Read a second time:—Borough Court.
Petitions presented. By the Earl of WINCHILSEA, from Malton (Yorkshire), by the Duke of WELLINGTON, from a number of places, by Lord WHARNCLIFFE, from several places, by Lord WROTTESLEY, from Portsmouth, and other places, by Lord PORTMAN, from a place in Somersetshire, by the Marquess of BUTE, from Arbroath, and several other places, by Lord REDESDALE, from Lancaster, by the Duke of BUCKINGHAM, from a number of places, and by Lord WYNFORD, from one place, against the Repeal of the Corn-laws.—By Lord RADNOR, from several places, by the Earl of MINTO, from Kinross, Hoy, and Hawick, and by the Marquess of BUTE, from the Town-Council of Ayr, for the Repeal of the Corn-laws.—By Lord WHARNCLIFFE, from the Moderator of the Synod of Edinburgh, for the advancement of Education.

INSULT TO THE BRITISH FLAG.] Viscount *Strangford* would take the liberty of asking the noble Earl opposite, who had replied in a very satisfactory manner to a question put by a noble Friend of his on a former evening, relative to the forcible removal of a pilot from a British vessel at Vera Cruz by the commander of a French corvette, whether, at the time that transaction took place, there was a single British vessel of war in the Gulf of Mexico?

The Earl of *Minto* was not able to answer the question so satisfactorily as he could have wished; but he believed that at the time alluded to there was one British vessel, if not more, at Vera Cruz. He had seen letters from officers so immediately afterwards, as to lead him to believe there must have been one, if not more, British ships there at the time.

Viscount *Strangford* inquired, what steps had been taken for the protection of British commerce in that quarter?

The Earl of *Minto* said, that as soon as it was found that France had adopted hostile proceedings against Mexico, orders were despatched to the commander in the West Indies to make arrangements for the protection of the British commerce. The answer was, that measures to that effect had been taken. As it appeared obvious, that there were events likely to lead to war between France and Mexico, a considerable addition to the force was required, and reinforcements were sent from England to that station, where the commander-in-chief had taken such measures as he conceived to be sufficient for the protection of British interests.

Lord *Wharncliffe* inquired whether, when the officer of the French corvette went on board the British vessel, he was remonstrated with? It appeared, that an apology had subsequently been made, but he wished to know, whether the man who was thus forcibly taken from under British protection was released?

The Earl of *Minto* said, he could not answer the latter part of the noble Lord's question. When the French officer went on board the British vessel, the captain of that vessel cautioned him not to take the man out of her. He, however, persevered on his own responsibility. The French admiral, however, at once saw the impropriety of the proceeding, and without hesitation or delay sent to Commodore Douglas an ample and satisfactory apology. If Commodore Douglas had thought the man required his protection, or that his interposition was necessary to obtain the man's release, he had not the slightest doubt he would have demanded and effected his liberation. It gave him much satisfaction to say, and he derived his information from Sir Charles Paget and Commodore Douglas, that the greatest harmony and good feeling prevailed between the officers in the French and British service on the station. They had opportunities of rendering each other service, and in every instance they had eagerly availed themselves of those opportunities.

Lord *Lyndhurst* inquired, whether the noble Earl had any objection to lay before the House the despatch of Commodore Douglas and the letter received from Sir Charles Paget?

The Earl of *Minto* said, that he did not exactly know what was in those papers, but he would look at them, and he did not believe there would be any objection.

Lord *Ellenborough* said, the noble Earl at the head of the Admiralty seemed to make a distinction between taking a man out of a British merchant ship and a British vessel of war. But no French officer could have a right to board a British merchant vessel and take a man from her. A British merchant ship was as much under the protection of the British flag as one of her Majesty's vessels.

The Earl of *Minto* hoped it would not be imagined, that he rose to excuse this transaction. On the contrary, he had before stated, that it was highly improper; and as a proof that he thought so, he had requested his noble Friend, the Secretary for Foreign Affairs, to make a representation to the French government on the subject. But before that representation could be made, the French admiral had offered that reparation which, under the circumstances, every honourable-minded man would be anxious to afford.

Lord *Lyndhurst* asked whether Admiral Baudin had not ascribed the occurrence to the inexperience of the person commanding the French ship, and whether there were not at the time signals going from the French admiral's vessels?

The Earl of *Minto* said it was possible, but he could not at tha moment speak positively. He would, however, inquire. In truth, he was not aware, as the matter had occurred so suddenly, that their Lordships would have inquired minutely into it.

Lord *Lyndhurst*: I really am surprised, that the noble Earl should not have expected that minute inquiry would be made into the matter. I hope the noble Earl will lay all the papers on the subject before the House.

Lord *Brougham* said, the noble Earl at the head of the Admiralty must have misunderstood the remarks of his noble Friend opposite (Lord Ellenborough.) His noble Friend never suspected, that any person, much less the First Lord of the Admiralty, would vindicate or extenuate such a proceeding as this; for which, however, a satisfactory apology appeared to have been made. But what his noble Friend said, and what he conceived to be very material, was, that he felt surprised, that the First Lord of the Admiralty should stand up in his place and say, when a pilot had been taken out of a British vessel, "If Commodore Douglas had understood the pilot to be under the protection of the British flag, then he had no doubt the Commodore would have interfered." His noble Friend most naturally and properly expressed his surprise at this new doctrine in the law of nations, this new provision in our naval discipline, that her Majesty's naval officers could only consider those under their protection who were actually on board the Queen's vessels; whereas any man on board an English merchantman was as much under the protection of the Queen's flag as if he were actually on board the Queen's ship. The gravamen of the charge was, not that a man had been taken, but that he had been taken from on board an English ship, and he hoped it would never be understood, that there was any difference whether a man was taken from a merchantman or a Queen's ship, if it were an English vessel.

The Marquess of *Lansdowne* said, the moment it was ascertained, that the French meditated designs against Mexico, Commodore Douglas was most properly sent out with specific instructions to protect the trade of England on that coast; and no doubt Commodore Douglas would take due care of every interest intrusted to him. It was not to be supposed, that he would act otherwise. Now, it would appear from what had occurred, that they reflected on Commodore Douglas for not having discharged his duty in this matter. He, however, believed, that Commodore Douglas had discharged his duty most completely in every point to which his attention had been directed.

Lord *Ellenborough* had not reflected on the gallant officer alluded to. What he said was, that he did not understand the First Lord of the Admiralty when he made a distinction, as to protection, between a man on board a British merchant ship and a man on board one of her Majesty's ships, both of whom were equally under the protection of the British flag.

Lord *Brougham* said, the whole matter rested on the use of the word "if." The noble Earl said, "If Commodore Douglas thought the man came under his protection, he would no doubt interpose." Now, could there be the least doubt, that the protection of the British flag extended to a man on board of a British merchant ship as strongly as if he were on board one of her Majesty's vessels?

The Earl of *Minto* said, he entertained not the slightest doubt, that if the man applied for it, Commodore Douglas would interpose for his protection. He never doubted, that the individual was under the protection of Commodore Douglas, who would, if it were deemed necessary interfere.

War in Spain.] The Marquess of *Londonderry*, in rising to bring forward his motion on the subject of the War in Spain said, that it would not have become him to have occupied their Lordships' time during the debate on the Address in answer to her Majesty's most gracious Speech from the Throne. He regretted, that that Speech did not express the course which it was the intention of the Government to pursue with regard to Spain. He had already been often under the necessity of troubling the House on this subject. He had moved, during the course of last Session, for various papers and returns, which were now before the House, and he would ask whether they did not completely verify every statement which he had made to the House? He would appeal to the candour of the noble Viscount, at the head of the Government, whether he had indulged in any exaggeration with respect to the policy pursued with regard to Spain. It was an unquestionable fact, that there had been expended in that country a sum of 509,160*l.*, and no less than 8,000 men. Were we still to expend our money and our means to uphold a cause defended in a manner, so disgraceful, and which, he might venture to say was generally deprecated? In offering these observations he must confess, that the expressions of the Royal Speech on this subject were so different from the expressions in former speeches, that he had a doubt on his mind whether or not it were the intention of the Government to abandon the course of policy they had hitherto pursued. He was credibly informed, that her Majesty's Government, through Lord John Hay, and her Majesty's commissioner in that part of Spain had opened a communication with the Basque provinces, through the aid of Munagorri, and had sent thither a large supply of arms cannon, and money. He was only surprised, after the return and disgrace of the Legion, that the Government should have thought proper to engage in so unfortunate a proceeding He would read to their Lordships an extract from the Speech from the Throne in 1835 for the purpose of showing, that it contained a declaration of a determination of the Government to adhere to the provisions of the Quadruple Treaty. The noble Marquess read as follows:—

"I will give directions, that there be laid before you articles which I have concluded with my allies, the King of the French, the Queen of Spain, and the Queen of Portugal, supplementary to the treaty of 1834, and are intended to facilitate the complete attainment of the object of that treaty."

In 1836, said his Lordship, we were told—

"I have still to lament the continuance of the war in the northern provinces of Spain. The measures which I have taken, and the engagements into which I have entered, sufficiently prove the deep anxiety for its termination, and the prudent and vigorous conduct of the present Government of Spain inspires me with hope, that the authority of the Queen of Spain will soon be re-established in every part of her dominions."

In 1837, their Lordships were again told—

"I lament, that the civil contest which has agitated the Spanish monarchy has not yet been brought to a close; but his Majesty has continued to afford to the Queen of Spain that aid which, by the treaty of Quadruple Alliance of 1834, his Majesty engaged to give. His Majesty rejoices, that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty.

In November, 1837, her Majesty in the Speech from the Throne said—

> "I lament, that civil war still afflicts the kingdom of Spain I continue to exercise with fidelity the engagements of my Crown with the Queen of Spain, according to the stipulations of the treaty of Quadruple Alliance."

At that time, therefore, it appeared, that her Majesty was anxious, to take every means to put an end to that war. Now, he came to her Majesty's Speech on opening the present Session, when she merely said—

> "I lament the continuance of the civil war in Spain, which engages my anxious and undiminished attention."

Their Lordships would observe, therefore, that there was a great difference in the expressions her Majesty had used. There was a complete departure from previous expressions used by her Majesty, and on the last occasion, the noble Viscount, with all the loyalty, and all the devotion, which, no doubt, he felt towards her Majesty, had recommended to her a speech which was little more than the lamentations of Jeremiah. He begged to know whether it were right, after the enormous expenses which had been incurred, to recommend to a young and powerful Queen, to come down to that House, and declare her undiminished anxiety at the continuance of that war, whilst her Majesty's Ministers were not enabled to tell their Lordships what they meant to do? Were they still determined to continue the same system? Were they determined to act up to the stipulations of the Quadruple Treaty in its proper sense, or to continue affording assistance to the Queen of Spain by such an extravagant extent of blockade, by employing marines on shore, and by all those other means which had been resorted to in the course of the war? He thought that the House was entitled to a distinct explanation, whether it were the intention of the Government to pursue the war on the same footing as on the year before, or to adopt, as they had with regard to some other circumstances, a wiser and more prudent course. He begged to state his firm determination to expose the extravagant loss incurred by this country, if they went on on the same scale. How was the matter to terminate? Would the country be satisfied? What credit had we gained? Let them look at a part of the case, to which he had frequently called their attention. Those just claims which the Legion had on the Spanish Government, and naturally upon our Government too, were still unsatisfied; the Legion was still unpaid; and he would ask the noble Viscount whether *bonâ fide* and conscientiously, he belived, that those claims would ever be settled? He had stated a great deal on that subject last Session; and in one of those discussions, if he recollected rightly, the noble Duke near him (Wellington) had stated, that the prolongation of this war was nothing but a stock-jobbing concern; and that, undoubtedly, was a matter connected with this war. He should not have alluded to that, but that he had heard recently, that there actually were now in the City negotiations going on for another loan to the Queen of Spain, he believed, that another loan was now being negociated under false pretences, and he thought that they ought to know from the noble Viscount, whether directly or indirectly, the Government had afforded any encouragement to that transaction; he understood that the attempt was being made with the moral sanction of the Government. What the moral sanction of her Majesty's Government was, he professed not, in his limited acquaintance with Downing-street, to know; but, if he could judge at all of the morality of Downing-street, from certain correspondence which had lately been exhibited in the public journals, he must say, that for his own part, he could trust very little to it; he alluded to the correspondence between the noble Viscount, the Secretary of State for Foreign Affairs and Mr. Urquhart. That correspondence had caused the greatest curiosity, and he must say, had not added very much to the respect entertained for the morality or discretion of the party implicated. He was not then in a situation to follow that discussion further, but he believed the matter would soon be discussed elsewhere; and, at all events, that correspondence had excited such a sensation in the public, that, if those papers were genuine—and he begged to ask the noble Viscount, whether the Government had any information in regard to them, or whether the noble Viscount believed them to be genuine, because, if they were, it was impossible that the disclosure could end there. That subject had been alluded to by a noble Viscount (Strangford) last Session, and it was clear that evidence of such a nature had been produced, as that the matter must be brought under public discussion; for a circumstance so extraordinary and unexampled, and which had created so much noise at home and abroad, could not be allowed to pass by in silence. So much then with respect to the morality of Downing-street, which he understood, the Government had employed by giving their moral sanction to the loan now about to be raised for the Queen of Spain. He would forbear from going further into the question of their foreign policy at present; but, before he sat down, he could not refrain from saying a few words on one subject of great interest. He undoubtedly felt much satisfaction at finding, that the affairs of Holland and Belgium were nearly brought to a close; but did her Majesty's Government deserve any credit from the country for settling that question. It was to be remembered that the question between Holland and Belgium had been going on for five years; they had had protocol on protocol, despatch after despatch, during that time; there had been endless plans and projects, all of which had failed; and at last, the Government, having been so well pleased with their *cheval de bataille*—the Quadruple Alliance in the east—had resorted to a Quadruple Alliance in the north, and by its means had accomplished that object which the noble Viscount at the head of Foreign Affairs, might long since have accomplished by himself, if he had adopted a decisive course. He only hoped, that the termination of the negotiations would not be delayed by reason of any changes elsewhere. With regard, however, to the subject immediately before the House, he thought that the country demanded and required this—to know what the Government intended to do in future with respect to the war in Spain; whether they meant to feed the war as they had hitherto done, by exhausting our Treasury, our means, and our money. That was the principal object of the question he wished to put to the noble Viscount, and in conclusion, it was his intention also to move for certain returns, which would explain the state of things which he had described, and he begged to state that he should follow up the course which he had taken, by exposing to the House and the country, the extravagant and enormous loss which this country had suffered, only for disgrace and discomfiture. The noble Marquess concluded by moving "for a return of all the supplies forwarded to the service of the Queen of Spain from July 1838, to the latest period, specifying every article supplied, whether money, arms, cannon, or stores; also of the extra charges of our navy occasioned by the continued blockade, and by the employment of our marines on shore; also for copies or extracts of any correspondence with the Government of Spain since July, 1838, relative to the continuance of the atrocities of that war, and for copies or extracts of correspondence between Lord John Hay, Colonel Wyld, the Board of Admiralty, and the Foreign Office, relating to the aid and support which had been afforded to the Spanish chief Munagorri." The concluding part of his motion related to the atrocities which continued to disgrace that war; and upon that part of the subject, he must do her Majesty's Government the justice to say, that it appeared from the correspondence, that the Government had made some efforts to put a stop to those barbarities, but not such powerful efforts as they might have made. The concluding paragraph of a letter from the Count Luchana to Colonel Wylde proved that, and he called on the Government to take some more decisive steps; for in that letter the writer said, that "he was resolved to put to death every foreigner whom he found in the service of Don Carlos." Important memorials on that subject had been addressed to the noble Viscount; and he really wished to know what communications had taken place, and what prospect there was, that in the campaign about to begin, these monstrous atrocities would not be continued. He would not detain their Lordships further. He moved for these papers with a view of eliciting an explanation, for which he thought he had shown sufficient reasons.

Viscount *Melbourne* then said: My Lords, if I heard rightly what fell from the noble Lord on Tuesday night, he only gave notice, that he should to-night ask certain questions relating to the war in Spain. He did not give notice of any motion for papers.

The Marquess of *Londonderry* begged the noble Viscount's pardon. He had expressly stated across the table, that it might be convenient to the noble Viscount to know, that it was his intention to make a motion, and he distinctly said, that he should move for returns relating to the supplies which had been given to the Chief, Munagorri.

Viscount *Melbourne* continued: I certainly entirely misunderstood the noble Lord. I undoubtedly considered, that he intended to have asked a question; I did not know at all, that he meant to make any motion for papers; and I submit to the noble Marquess, seeing that he has moved for returns of supplies and despatches, whether it will not be better he should give an exact statement, of what he means to move for, that the Government may have an opportunity of determining whether it be prudent or wise to produce the returns or not. The noble Lord has said, that the main question which he wishes to ask has reference to the course which we mean to pursue in respect to the war in Spain. My Lords, that question may be answered in one word. It is our intention to observe the Quadruple Treaty; we mean to carry into effect our engagements, and to persevere in the system on which we have hitherto proceeded, which, though it is impossible to deny, that it has not been attended with that speedy success which was expected, but which has not been—and on this point I beg entirely to deny the noble Lord's assertion from the beginning to the end—a system of nothing but failure and disgrace. The noble Lord has asked, whether we intend to feed the war at the rate at which it has been already fed, and whether we should continue affording supplies to the same extent. With respect to that, I can only say, that we shall exercise our own discretion; we shall act according to circumstances, according to that which the occasion and opportunities may require; but undoubtedly we shall continue to pursue the same system—that of maintaining our engagements with the Queen of Spain. The noble Marquess said, that he should have supposed, that we were willing to abandon the war in Spain, and to abandon the system on which we have proceeded, had he not heard in the course of the last year, that her Majesty's Government had sent supplies to the chief, Munagorri, who had recently made a movement in the northern provinces. That, my Lords, was a movement for the purpose of producing peace; the object was to procure a reconciliation between the conflicting parties by a mode altogether new—by acknowledging on the one hand the Queen's Government, but, at the same time, promising to maintain the peculiar rights and privileges of those provinces. When the Government saw a spirit of that kind arising in that country, and demonstrating itself, and when in that spirit they saw, by encouraging it, the means of terminating those hostilities, they unquestionably did think it a wise policy to encourage that attempt by communicating their sympathy with, and approbation of, that movement, which had for its object the establishment of final peace between the provinces and the Queen of Spain. Certainly communications did take place between the agents of her Majesty's Government and that leader, and a small amount of supplies was placed at the disposal of Lord John Hay, in order that he might, according to his discretion, afford assistance to that leader or not; whether any has been afforded I know not, but unquestionably to produce any returns on that subject there can be no objection. The noble Lord has adverted again to a subject which has been before discussed by your Lordships, viz. the arrears still due to the Legion. The noble Lord knows very well how that matter stands. Commissioners are sitting in London on the subject, and they have proceeded to a considerable length in ascertaining the claims of the Legion on the Spanish Government. The noble Lord asks me whether in my conscience I believe, that those claims will ever be satisfied. My Lords, I can speak as to facts—I can speak as to what has taken place; but as to what will take place it is impossible that I can pretend to speak. Everybody knows the difficulties under which the Spanish Government labours as to its finances — every body is aware of them; but I believe that there exists in the present Government of that country a strong anxiety and desire to fulfil the engagements into which it has entered. The noble Lord mentions a subject, somewhat connected with this to be sure, that a loan is raising in this country under the moral sanction of her Majesty's Government, as the noble Lord says. Now, I beg distinctly to state, that her Majesty's Government has in no respect encouraged or even said or done anything which could at all amount to any encouragement of that loan, or which could induce any persons to enter into it, or which could afterwards impose upon the Government the slightest responsibility to, or even connection with, any persons who may be induced to enter into it or engage in that speculation. The noble Lord then referred to a certain correspondence, and he asks me whether it be correct or authentic? I have not seen that correspondence, and, I therefore, cannot say whether it be authentic or not; but as the noble Lord did not think proper to bring that under the consideration of the House, I do think as he only adverted to it in so imperfect a manner, thatit would have been better if he had not adverted to it at all. As to the motion of the noble Lord, I don't exactly understand how the wording of that motion may be, but I apprehend that there can be no great objection to any part of those returns. Certainly, my Lords, as to those documents to which the noble Marquess adverted in the latter part of his speech, and which relate to the efforts which have been made to mitigate the atrocities of this war, not only is her Majesty's Government not unwilling, but they are most desirous, to lay all these documents on the table of the House. They would consider it a great reproach to themselves if they had not done all in their power, by communications with the Government in Spain, by communication with the Carlist leaders, and with the governments of other countries in Europe, to put an end to a system of warfare which is a disgrace to the times in which we live. My Lords, we know that it is impossible that such a system practised and exercised on one side, should not be followed up, and returned, and retaliated on the other; it is not in human nature that it should be otherwise; it is the result of the common feelings of our nature; it is scarcely more than justice; force begets force; violence and the shedding of blood lead to the shedding of blood; but in justice to the Queen's Government, and the officers who have served under it, I must say, I believe that those who began such a system are responsible for the whole misery which follows, and I believe that on Don Carlos and his officers that responsibility rests. In the course of such horrors and violence I do not doubt that some violence may have been committed on the other side; but the beginning, the commencement, of that system of warfare rests on the Carlist side; and that the Queen's Government and those who have served under her, are not justly chargeable with the atrocities which have been perpetrated. Upon that subject, my Lords, we will not only produce the correspondence for which the noble Lord has moved, but that which we have had with other countries. There could be but one feeling on such a subject, and on all sides we have heard the utter reprobation of these proceedings, and the greatest anxiety to terminate them; and though naturally any great power of influencing Don Carlos would be disclaimed by many of the Powers with whom we have entered into correspondence, yet from all quarters the greatest readiness has been exhibited to endeavour to put an end to the system so outrageous to humanity. I am not aware of any objection to the motion of the noble Lord, but if he would consent to withdraw it now, and give notice for to-morrow, that perhaps would be a more convenient course.

The Duke of *Wellington* said, if the noble Marquess will consent to withdraw his motion until to-morrow, I would ask the noble Viscount at the same time to produce the despatches with regard to this mode of warfare, which have never yet been laid on the table of this House, and which were written in 1834, and 1835; because, my Lords, these despatches will open to your Lordships the state of the case at that period, and will show the policy that was then pursued; and I think your Lordships will then see, that if that course had been adhered to, we should never have seen the state of things at present existing. Under these circumstances I submit to the noble Viscount opposite that he should produce the despatches of 1834 and 1835.

The Earl of *Ripon* wished to say a word relating to the encouragement which had been given to the Chief, Munagorri. He should like to know how far what had been done in that respect was done in communication with the Spanish Government, because if it had not been done in communication with the Queen of Spain we had involved ourselves, and had taken a new part in a new character with respect to the affairs of that country. By the encouragement the Government had afforded to that movement they must have induced persons in that country to join it; and they must have placed those people in the most dangerous situation, if that encouragement had not been given by the consent of the Queen of Spain. He considered that a principle so serious was involved in the matter, that he begged to ask the noble Viscount whether that encouragement had been given, in consequence of a communication with the Queen of Spain?

Viscount *Melbourne*—It was understood and known by the Queen's government.

The Earl of *Aberdeen* understood that the efforts of that leader had been repudiated by the Queen's commanders, with whom he certainly was not in communication, and against whom they were acting in some respects hostilely. In point of fact, that chief was a third party, whom we had set up, independent alike of Don Carlos and the Queen, and who had endeavoured to bring the conflict to a settlement on different grounds from any which had before been taken. He thought that this was a most preposterous assumption on our part, to set up a third party in the country independent of the other two, for the purpose of settling their disputes. That could not be said to be acting up to the stipulations of the Quadruple Treaty. It was no defence to the Queen of Spain; it was a setting up a third party, whom if he failed, we were bound to support. It was leading the people to engage in an undertaking which might bring upon us a very heavy responsibility. It was quite gratuitous on our part, and he thought that already we had been sufficiently mixed up in these contests, without bringing another barbarian into the field.

The Duke of *Wellington* wished his noble Friend to alter the word "blockade," which was in his motion. Begging his noble Friend's pardon, there could be no such thing as a blockade; the squadron on that coast was engaged in operations, not a blockade, but in operations in conjunction with Munagorri.

Viscount *Melbourne* said, that undoubtedly Munagorri was a third party independent of the Queen and of Don Carlos, and that chief proposed the settlement of the contest on grounds which had not been in the first place assumed by either party. The question was whether they were right or wrong in encouraging him on his principles, and it certainly appeared to the Government desirable to terminate the war on those principles; and he begged to ask whether, if there were any possibility of any result of that kind, and if there were any chance of that movement tending to the final pacification of the country, it was not worth while to take the chance which offered itself of producing that desirable result?

The Marquess of *Londonderry* said, that really they had now got a new feature in the case. It now seemed that whoever might raise the standard of war in Spain, we were to join in his attempt, however Quixotic. Why, for aught their Lordships knew, this new leader, whom we were supporting, might be gone, and his bands all dispersed by this time. What the noble Viscount had now stated was another ground for additional information to the House and the country on this subject. The noble Viscount had expressed his belief that the Spanish Government would settle all the claims of the Legion upon it. He had certainly no such confidence in that Government. He did not believe that those claims would be settled any more than the 600,000*l.* which we had advanced in arms and stores to that Government. If Government had taken the precaution of having the advances to Spain and the claims of the Legion settled upon some fund, they would have been settled, or be in a fair way of settlement long ago. He would adopt the suggestion of his noble Friend the noble Duke as to the omission of the word "blockade," and would include the despatches of 1834 and 1835, and in that shape he would move it the next day, when he trusted it would be acceded to without further discussion.

The Marquess of *Lansdowne* wished to add to what had fallen from his noble Friend, that not only had every step been communicated to the Spanish Government, but no remonstrance whatever had been made by that Government on the subject.

Motion withdrawn.

HOUSE OF COMMONS,

Thursday, February 21, 1839.

Minutes.] Bill. Read a third time:—Poor Relief (Ireland).

Petitions presented. By Mr. Langdale, from two Townships in Yorkshire, by Mr. Halford, from a number of places, by Mr. Gillon, from a great number of places, by Sir G. Strickland, from Combermere, and by the Lord-Advocate, from Leith, for the Repeal of the Corn-laws.—By Mr. Hodges, from Tunbridge, by Mr. Clive, from one place, by Mr. Heathcote, from some place in Lincolnshire, and by Mr. Christopher, from several places, against the Repeal of the Corn-laws.—By Mr. Colquhoun, from thirteen places in Scotland, for further Endowing the Scotch Church.—By Mr. E. J. Stanley, from Rumford (Chester), against any further Grant to the Church of England.—By Mr. Grote, from the

Coach-builders of London, for Relief from Taxation.—By Mr. HUME, from another place, to the same effect.—By Mr. M. PHILLIPS, from Manchester, against the Stade Duties.

MR. HARVEY'S CASE—BOROUGH OF SOUTHWARK.] Mr. *Williams Wynn* brought up the Report of the Select Committee appointed to consider the papers relative to the appointment of Mr. D. W. Harvey, the Member for Southwark, to the office of Registrar of Hackney Carriages, and directed to report whether Mr. Harvey having accepted the said office has vacated his seat.

The Report was read as follows:

1. "That having considered the Statutes 6 Anne, c. 7, 41 Geo. 3, c. 52, and 1 and 2 Vic. c. 79, your Committee is of opinion, that the office of Registrar of Metropolitan Public Carriages is a new office of profit under the Crown, within the true intent and meaning of the first of the above mentioned Statutes."

2. "That your Committee is of opinion, that Mr. Harvey has accepted the said office, and has thereby vacated his seat."

Resolutions agreed to.

Mr. *Wynn* said, in accordance with the decision of the Committee, which he would observe was unanimously agreed to, and in which they were assisted by the law officers of the Crown, unless any hon. Gentleman wished for time in order to induce the House to come to a different conclusion, he thought it due to the electors of the borough of Southwark not to keep them without a representative, and he therefore moved that a new writ be issued for Southwark, in the room of Daniel Whittle Harvey, esquire, who, since his election, has accepted the office of Registrar of Metropolitan public carriages.

Mr. *Hume* had no hesitation in expressing his concurrence in the opinion of the Committee, and the question appeared to him as plain a one as could possibly be submitted. He rose only to state, that there had been many instances of Members of that House receiving the public money, and being appointed to public offices, without vacating their seats, and without any notice being taken of it, and it would appear that the objection in the present case was directed against Mr. Harvey. He hoped that the rule which had now been enforced would in future be rigidly observed, and that there would be no ground henceforth given for any imputation as to the partiality of the House, for there was nothing so important as that strict impartiality should be observed in their proceedings, and no person ought to be injured by that House on account of his political opinions. There was no doubt this was a very hard case as to Mr. Harvey, and he only hoped, for the credit of the House, that the same rigid rule would be followed in all other similar cases.

Mr. *Ward*, as one of the Committee, felt bound to say the case was so clear, and the facts so settled, that there was not the slightest shadow of a shade of doubt upon the subject, and the Committee deemed, that they were only discharging a public duty in putting an end to the uncertainty with regard to the borough of Southwark, by the report which they had presented.

Mr. *Aglionby* would not have said a word, but for the assertion of the hon. Member who had just sat down, that there was not the shadow of a shade of doubt among the Committee which was not strictly correct, for he (Mr. Aglionby) had suggested a doubt; which doubt he still felt, although he had on the Committee submitted to a superior legal authority, whether there was not a distinction between the acceptance of an office, to which a salary was at the time of its acceptance attached, and the acceptance of an office to which there was only a contingent and uncertain salary. In this latter case, as the Court of Queen's Bench would not grant a mandamus, neither did the rule of vacating the seat in that House apply.

Sir *Robert Peel* trusted, that the hon. Member for Kilkenny would allow him to suggest that if he was aware of any other instances that fell within the same principle, that he would have the goodness to mention them, and move for new writs. If the hon. Member made such a motion, he should be disposed to second it for the sake of impartiality.

Mr. *Hume* had no hesitation, in explanation of what he had said, to state to the right hon. Baronet that the first question he had put to some of the Members of the Committee was, whether they had inquired into the precedents of that House. He had asked whether they had inquired into the case of the hon. Member for Marylebone, who had been sent abroad. Whether they had inquired into the case of the hon. Member for Kilmarnock, who had been allowed a sum of money for a special commission, and also, whether they had inquired into that of the hon. Member for Dundee. This was the first blot that had been discovered. He (Mr. Hume) did not disapprove of that discovery, but he would take care, that in all future appointments, inquiries should be made, and also into those that were now existing.

Mr. *Goulburn* said, with respect to the case of the hon. Member for Kilmarnock, to which the hon. Member for Kilkenny had alluded, he (Mr. Goulburn) had called the attention of the House to the subject himself, and no person was more vigorous in casting imputations upon him for doing so than the hon. Member for Kilkenny.

Mr. *Hume* denied the statement of the right hon. Gentleman. That right hon. Gentleman had made some imputation which he considered improper with reference to the estimates on that subject, and what he had stated was, to deprecate the course the right hon. Gentleman pursued.

Mr. *Williams Wynn*, on behalf of the Committee, wished to state, that they were appointed to consider whether Mr. Harvey had vacated his seat, or not, and it was no part of their duty to inquire into the circumstances of the cases of the hon. Member for Kilmarnock, or the hon. Member for Dundee. If the hon. Member for Kilkenny was aware of any other case, it would be his duty to bring it under the consideration of the House. He could not but observe, that the present law upon the subject was deficient, inasmuch as there was no provision calling upon parties to inform that House of the appointment of Members to official situations. There were other cases, but they were passed over *sub silentio;* if, however, these were brought before the House from any quarter, the House would then inquire into them.

Mr. *Jervis* rose, to give an opportunity to the right hon. Gentleman, the Member for Montgomery, to contradict a rumour which was very prevalent in Wales, that since the last election he had received a place of profit under the Government, the lordship of Denbigh, for which he received something for doing certain duties. Now it was within his own knowledge, that the patent was made out since the last election. It was true it was dated before, but it was dated on an erasure, and he was informed it was not in fact made out till the month of March, 1838, while the election took place in August, 1837. He was told, that the right hon. Gentleman had applied to the Chancellor of the Exchequer before the election, but he apprehended, that the appointment not having taken place until after the election, the date of application made no difference. The date of the warrant being upon an erasure, and having been dated subsequent to the election, the circumstances called for explanation. The right hon. Gentleman was originally appointed to the office in the year 1796—it was an office held during the pleasure of the Crown, and of course was vacated by the demise of the Crown. The right hon. Gentleman had held the office during the reigns of George 3d and William 4th, he believed without any renewal of the patent. The election took place, and the right hon. Gentleman applied for the receipt of his salary. It was then inquired of him, whether he had any patent, which, being produced, was found to be dated upon an erasure. He had made inquiries at the office, and he was informed by the officer there, that though the appointment was made on the 5th March, 1837, it bore the date of the 18th July. He thought he had stated sufficient grounds to entitle him to call upon his right hon. Friend, if he would allow him to call him so, for an explanation. He could assure him, that it had excited a feeling in the minds of many Welchmen, that he had vacated his seat by the acceptance of the office in question.

Mr. *Williams Wynn* thought, he had a good right to complain of the unfairness of bringing a question of that nature before the House without first favouring him with some notice, or without, so far as the hon. Gentleman was concerned, the slightest intimation of his intention. As it happened, however, he had had notice of this case, because his right hon. Friend, the Chancellor of the Exchequer, had informed him, that the hon. Member had been making inquiries into the subject. He would meet the case by stating the real circumstances attending his appointment. It was true, that he received the appointment originally in the reign of George 3d, in the year 1796—it was perfectly true, that he had held the appointment throughout the reign of George 4th, without any new patent, under the provisions of an Act of Parliament which rendered such appointments legal unless there was an actual tender of them. Upon the death of William 4th, and prior to the election, he was still holding the office, which he might legally do for six months. Before the expiration of that time he wrote to the Chancellor of the Exchequer, to know whether it were intended to continue the appointment, and in reply, before the election, he received from the right hon. Gentleman a letter, stating, that the appointment would be continued, and that the patent would be prepared forthwith. Though he had received the patent after the election, still he apprehended that it would not vacate his seat, because, before he was re-elected, he had in fact in that letter received his re-appointment to that office. Under these circumstances he considered, that the hon. Gentleman had, what was vulgarly called, found a mare's nest.

The *Chancellor of the Exchequer* said, that he felt it to be his duty to say a few words on the subject; he might, perhaps, not express himself so clearly on the subject as if he had been present the other night—but he believed there could be no doubt of the fact, that before the election, the hon. Gentleman had applied on the subject of the appointment, when he was informed, that the re-appointment would take place as a matter of course, and the only reason for the delay which had occurred, was, that a doubt had arisen as to whether the appointment was to take place under the Woods and Forests, or under the authority of the Treasury. With regard to Gentlemen accepting the Chiltern Hundreds, which was constantly occurring, Gentlemen were in the habit of applying for the appointment of steward to the Chiltern Hundreds, and between the making out the appointment and the acceptance of the office, a delay of two or three days frequently took place. In fact however, it was the acceptance of the office, and not the making out of the appointment, that brought the law into operation. If any had occurred, he was responsible for it, and it arose out of an uncertainty as to what department it should be referred to.

Mr. *Jervis* certainly would not have mentioned the case at all if the right hon. Gentleman had not wished to know if there were any case at all analogous to that of the hon. Member for Southwark. Whether he might be right or wrong he really had no intention of doing anything injurious to the right hon. Gentleman. He contended, however, that the Chancellor of the Exchequer had no authority to give away the office; he merely recommended the appointment to the Crown, by whom the office was granted, and he subsequently signified his approval in the usual manner. Although the appointment was made on 5th of March, the office was not legally given away until the patent was actually made out, for all such appointments were made by record, and till the warrants were signed, the appointments were legally in existence. It seemed to him, therefore, that if they were to act with strict impartiality and were to subject the hon. Member to penalties for every vote he had given, that further inquiry was necessary, and other persons should be treated in the same manner.

Motion agreed to

TAXES ON PUBLIC CONVEYANCES.] Mr. *Gillon* rose, pursuant to notice to call the attention of the House to the taxes on internal communication, with a view to their equalization and reduction. It was at all times an irksome task to him to intrude himself on their notice, but it was his duty on this occasion to bring forward the motion of which he had given notice. A Committee of that House had come to resolutions on the subject, and on those resolutions he should base the motion which he was now about to lay before the House. He proposed to consider the taxation to which the public conveyancs iby the old mode of communication n this country were peculiarly subjected under the following heads:—1st, the assessed taxes on coachmen andother servants connected wth public conveyances; secondly, the duty on the hire of carriages; thirdly, mileage duty on stage coaches; fourthly, the licence duty; and fifthly, the duty on draught horses. He should then call the attention of the House to those modes of conveyance which had recently been established by the introduction of a new motive power, and which were almost wholly exempt from taxation. He alluded to the power of steam, which either by means of railroads or of vessels, conveyed persons from place to place in great numbers; and yet those modes of communication were only taxed at about one-eighth of a penny a mile, while stage-coach communications were taxed at the rate of three halfpence per mile. The consequence of this most partial system of taxation was to give a great pecuniary advantage to railways, and to impose on stage-coach communications, a pecuniary burden which if not soon removed, would bring ruin upon all the postmasters and innkeepers in those parts of the country through which lines of railway had been opened ; but its effects were not confined to them, they extended to persons employed by, and dependent on, them, and in the end the revenue of the country would feel it. All the taxes and duties, he had mentioned, bore upon that mode of conveyance in which animal power was employed, while railway travelling was entirely free from them. To show how unequal these taxes were, he would mention one fact: in the year 1836 no fewer than 1,200,000 passengers travelled on the London and Greenwich railway, yet the duty which was paid by that railway company amounted to no more than 400*l*,, while the stage-coach proprietors had paid 6,250*l*. The hon. Member proceeded to read extracts from letters and papers furnished by coach proprietors, post-masters, innkeepers, and others, to show that since the establishment of railways they had suffered a considerable diminution in their business,, and as a consequence the amount of duty on post-horses and carriages paid by them had diminished in proportion — in some cases as much as two-thirds of the sums they had been accustomed to pay formerly. Numerous petitions had been presented to both Houses of Parliament complaining of this state of things, and praying for the adoption of some measures by which the petitioners would be placed on equal ground with railways in respect to taxation, and that thus a chance of fair competition might be afforded them. By the evidence which had been given before the Committee, which had sat to inquire into matters relating to this subject, it appeared that unless some alteration was made, an entire stop would be put to stage coach travelling. Already as many as forty-two coaches, making up and down eighty-four, had been taken off the public roads, and that in a very short time. If the post-horse duty were taken off on the one hand, and the taxes on carriages equalized with those on steam travelling, he was certain that all the cross-roads would be traversed, and men of enterprize would enter into plans for taking up the Government communications and the mail bags at the different termini, and thus great public advantages would be secured. On the other hand, if nothing were done, a great departmect of national industry would be destroyed, and the Chancellor of the Exchequer would find a serious diminution in the revenue. It was true, that in the mean time modes of conveyance were established by means of steam. But he would ask whether it would be proper to suffer the means of travelling and communication by animal power to decay? When the whole country became planted and intersected by railways, the public would be completely at the mercy of the shareholders, because if the present system of taxation remained, it would be impossible for other parties to compete with railroad proprietors. He was of opinion, that the Legislature were not required to treat in any respect very tenderly those Gentlemen. It would be recollected, that when a bill was brought in last Session to compel railways to convey Government communications, leaving the amount of remuneration to be settled by appointed assessors, a great outcry was raised against the injustice of such a proceeding. They wished to have everything settled in their favour. Yet those gentlemen, though they came cap in hand to the House, and very humbly asked leave to carry their plans into execution, alleging, that they were intended to promote public convenience, no sooner succeeded in getting their bills than they proved to be, as he had always found, the most stringent of all monopolists. He much regretted, that a noble Duke in another place had not followed up the very able and just remarks he had made upon the regulations under which railways ought to be placed. He should like to see the Legislature adopt some practical measure on the subject. He contended, that the monopolizing character of the railway companies ought not to be fostered at the expense of the public convenience, and to the injury of persons who had embarked large capitals in other modes of conveyance, and who were subject to heavy duties and restrictive laws by the Legislature. Yet he was sorry to say, that such was the case. So far had the system of favouritism gone that the advertisements announcing the arrival and departure of trains, in the

Liverpool Mercury (according to a complaint made by that paper) were exempted from the payment of duty. He should like to see all such imposts abolished; but, while they remained, they should not be exacted from one party, and another party, who had no better claim to such favour, be exempted from them. Great as were the advantages of railways to persons travelling from point to point at great distances, still he contended, that to persons travelling short distances and by cross-roads they were unproductive of benefit; and to do justice to this latter class, the Legislature and the Government must enable them to travel at something like the same rate of taxation as those who travel by railway. He regretted, that the return he had moved for, and which had been made, had not been printed and in the hands of hon. Members; but as he was aware of the contents, he should state some of them to the House—for instance, the amount of mileage paid on railways and on stage-coaches taken together. In the year 1837 the composition for mileage on both amounted to 514,039*l.*, in 1838 to 489,086*l.*, and for the year ending the 6th of January, 1839, to 494,130*l.*; thus showing a decrease in the amount for the first and last year of above 20,000*l.* If a comparison were made between the amount of the returns on stage-coaches alone, he believed, it would be found, that the composition had fallen from 583,742*l.* to which sum it amounted in the year 1835, to 534,496*l.*, the amount returned for the year ending the 6th of January, 1839; thus showing a decrease of 49,246*l.*; and as the earning of the coach proprietors ought to amount to at least three times the amount of duty, there was a falling off shown in their earnings of 393,968*l.* Again, he was inclined to think, that the amount of post-horse duties had equally fallen off, and he was borne out in that opinion by the information he had received from an individual post-master in one town, by which it appeared he had paid for the months of October, November, and December last, less duty by 81*l.* 18*s.* 9*d.*½ than he had paid for the corresponding months of the preceding year. Indeed he was convinced, that unless there was a diminution in the rate of post-horse duties that source of revenue would be utterly swept away. He contended, that without a reduction of at least two-thirds of the existing duties, the masters would not be able to contend against their rivals by steam, and that thus the public would be deprived of a large and most beneficial source of convenience. He meant, therefore, to conclude by moving that the House should resolve itself into a Committee of the whole House, for the purpose of taking into consideration the whole of those duties. When in Committee it was his intention (and he would now state it for the convenience of the right hon. Gentleman the Chancellor of the Exchequer), to propose the abolition of all assessed taxes on coachmen and other servants, to lower the annual licence on stage-carriages from 5*l.* to 7*s.* and 6*d.*; he should propose to charge the mileage duty on all coaches, whether travelling by common or railroad, at the rate of one eighth of a half-penny per mile he should also propose that the duty on passengers should be charged on railways in the same way as it was on other coaches; that was to say, not upon the number of persons actually conveyed, but on the number of seats provided in or about their coaches, and this duty he should propose to be fixed at the rate the railway proprietors now paid. He should propose to reduce the post-horse duties by two-thirds—namely, from three halfpence to a halfpenny, and he was convinced, that no smaller deduction would enable the postmasters to keep up that mode of travelling. Such were the duties he intended to take off, and he was aware he might be met by the statement of the Chancellor of the Exchequer, that these reductions would effect a diminution of the revenue to the amount of upwards of 700,000*l.*; but he (Mr. Gillon) was confident, that so far from a diminution, the reduction of duties would tend to increase the annual revenues in these respects much above their present amount. These, then, were the duties with which he proposed to interfere; he then had had two new duties to impose. The first was, a small tax on gentlemen's carriages conveyed by railway. At present a gentleman travelling from Birmingham to London put his carriage on the railway, and, instead of paying a tax upon it, only paid a small tax on the conveyance of each person; whereas, if he travelled with a pair of post-horses from Birmingham to London, he would pay a tax of 1*l.* 8*s.* to Government; but now, if he with his carriage, his wife and two servants, in all four individuals, went by railway, he would only pay 4*s*. 8*d*., making a difference of 1*l*. 3*s*. 4*d*. in the tax payable to the Government. Therefore it was, that he intended to propose a small tax on gentleman's carriages passing on railways. He had also a second tax to propose, in the shape of a small licence duty on steam-boats. He meant on those proprietors of steam-boats who carried on board their vessels the trade of licensed victuallers—who dealt in ale, spirits, wine, and other commodities without a licence. Unless the licence duty was abolished on shore, it ought to be imposed on those who dealt in such commodities on board vessels conveying passengers, and therefore it was, he should propose a licence duty of 10*l*. per annum on any person carrying on the trade of a victualler on board steam-boats. On the whole, he contended, that the time had arrived when it was actually necessary, in justice to all parties, that some change in the existing unequal system should be made; he asked not abolition, but he required equalization. The object of taxation was not to press on any one class, but to operate equally upon all, and as he trusted he had shown that one party was unfairly dealt with by an unequal scale of taxation, the House, in whose hands he left the matter, would entertain the proposition he had now to make; that the House resolve itself into a Committee of the whole House to take into consideration the whole acts relating to these matters.

Mr. *Handley* said, that without pledging himself to the accuracy of the details submitted by the hon. Gentleman to the House, or to the propriety of all the changes he proposed to make, he rose to second the resolution of the hon. Gentleman; and he was the more anxious to do it, and to engage the attention of the House for a short time, because on a former occasion he had been requested by a very large body of postmasters and innkeepers to lay their case before the House and before her Majesty's Government. The Chancellor of the Exchequer on that occasion did, he believed, all that he could do—namely, he relieved the parties from certain vexatious interferences connected with the post-horse duty; but the right hon. Gentleman did not afford that relief which the hon. Member for Falkirk sought. The difficulties with which the postmasters and innkeepers had now to contend with were increased fifty-fold since last Session. The circumstances of which they then complained were now brought to a state bordering on inevitable ruin. It was to be lamented, that so great a public benefit as that which railways were calculated to produce, should be accompanied with so much individual suffering. The postmasters were a body of men more highly taxed than any other portion of her Majesty's subjects. Beginning with the duty on carriages, then that on horses, and the assessed taxes on houses, (the window duties on the large establishments which they were obliged to keep up being very great), it was impossible to point out a class more heavily taxed; and at the same time their trade was daily falling off. The only alternative they had was either to close their houses altogether, or to keep them open as hitherto, under all these disadvantageous circumstances. It was owing to no mismanagement of their own, that their business had fallen off. It was impossible, that any one could have anticipated the gigantic strides which steam communication had made over all the world within the last few years. It was well known, that when, in 1817, application was made to the Admiralty to establish steam tugs to convey ships into harbour, the then Secretary of that establishment, Mr. John Wilson Croker, issued a sort of circular in which he declared, that it was a scheme altogether impracticable, and that though steam vessels might possibly succeed upon canals, they never could come into use on the sea. Scarcely twenty years had elapsed, however, and now they beheld ships of the greatest burden traversing the broad Atlantic in the space of thirteen days by means of the mighty power of steam, and the hon. and learned Member for Dublin enabled by the same wonderful agency to come from that city to the British metropolis in less than four-and-twenty hours. But if the sympathies of the House were not excited towards that respectable body of persons for whom he was now feebly pleading, he would call their attention to an evil of the greatest and most vital magnitude to which they were themselves particularly exposed. First, however, he begged to say, that he was a friend to rail-roads; he admired the advance which science and art combined had made in accelerating the communications of men living in the most distant parts of the world, and which had brought even India itself comparatively close to our own shores. He was grateful, therefore, to those who had embarked their money in bringing these great undertakings to such a high state of usefulness. Still he must warn the House against the dangers that might be involved in these very improvements. He would call upon the House and the Government not to let this Session pass by without taking care to protect the public against a monopoly which, in his humble opinion, was fraught with a weight of tyranny, vexation, and extortion, such as no government or legislature was justified in allowing to continue. The proprietors of railways had obtained a power which no other body of men had ever been allowed to exercise over the comforts and enjoyments of the people. He had observed this day a bill brought into the House by the Birmingham Railway Company, asking for power to raise more money. Now, before further power should be given, it would be the duty, he conceived, of that House to ask in what manner the money which had already been raised had been expended, and to ascertain whether it had or had not been expended with a view to create that monopoly of which he complained. He believed that proof could be given that much of that money had been expended otherwise than in purchases necessary for making the railway; and that a sum not less than 3,000*l*. had been given to one individual coach-proprietor, in order that the whole of his interest might be thrown into the hands of the Railway Company. To such an extent had this system been carried that there was not, he believed, at this moment, more than one coach running in competition with that line. What was the result? Why, in that part of the country with which he was acquainted, he knew many who had travelled by the railway either over a portion of the line, or through the whole of its extent, to the metropolis; but he had not seen any one of those individuals who had not complained either of some gross imposition, or of an outrage of some description. Not long since, the servant of a noble Friend of his and his own servant went to the station to take seats in a second-class carriage, they were told that there was no room in the second-class carriages and they were offered seats in the first class on paying the second-class charge. The statement that there was no room was untrue. When the men arrived at the terminus in Euston-square they were required to pay the difference between the charge for the first and second class. They complained of this; but the answer they received was, "It is of no use to complain now! you must come to-morrow; we cannot attend to it now." The next day the men attended, and the answer they met with was—"Oh! it is no business of ours; you must go to the sessions." Thus it appeared that unless for the sake of a few shillings any person was willing to go to law with this great proprietary, there were no means by which he could obtain redress. If such were the uses to which this great body applied their powers even before their monopoly was complete, what, he asked, would be the extent to which the abuse of those would be carried, when the monopoly should become absolute, unless Parliament powerfully and promptly interposed. He was sorry to hear the President of the Board of Trade state last night that he had no intention to interfere in this matter. He hoped that if her Majesty's Government did not interfere, the noble Lord, the Member for North Lancashire, whose intimate knowledge of the subject so well qualified him to undertake the task, would feel it his duty to make some proposition to the House respecting it. At all events, he begged to assure the House, that unless some other hon. Member brought the subject forward, the present Session should not pass without a motion being made by himself that a Select Committee be appointed to inquire into it. With reference to the motion before the House, he believed that great injustice was perpetrated against those who had hitherto been faithful servants of the public, but who were now labouring against a power which they had no means of competing with, unless assisted by that House. He did not mean that even that assistance would make the difference to them between ruin and prosperity; still unless some redress were afforded them, inevitable ruin must befal them quickly; while if the Legislature should neglect to interpose, and check the evil of that growing monopoly which railway companies were assuming, he anticipated the day when railways, instead of being an advantage (as he still hoped to see them) would be a perpetual source of injustice and of tyranny to society.

The *Chancellor of the Exchequer* by no means regretted, that the attention of the House had been called to this subject. It was undoubtedly a question which deserved the attention of Parliament; and it was his intention, in the course of the present year, to introduce a bill, with a view to correct many of the inconveniences to which his hon. Friend had adverted. There was an inequality in the rate of taxation at present existing, which it was not proper should continue. It was an unjust distinction, and an interference with the fair spirit of commercial competition which it behoved Government and Parliament to put an end to. At the same time, he could not accompany his hon. Friend in many of the statements he had made. His hon. Friend had proposed to take off certain duties; and he then said, that he should propose certain new duties which would supply the deficiency of revenue which the first part of his proposition would occasion. The different manner in which these two very distinct proposals were received might induce his hon. Friend to sympathise with him (the Chancellor of the Exchequer) a little on the very difficult and delicate task of proposing a new tax. Whilst, however, he agreed, that the present unequal rates of duty imposed on postmasters and on railways gave an unjust advantage to the latter over the former, still his hon. Friend was entirely in error in supposing that some of the duties to which he had adverted were progressively diminishing. The years which his hon. Friend had selected for instituting his comparison were not altogether fairly taken. Out of a series of years, two years might be selected with sufficient adroitness for the purpose of establishing a comparison that should support almost any side of a proposition. His hon. Friend had taken the year 1837, when the duty on stage carriages amounted to 583,742*l.*, and had compared it with the year 1839, when the duty amounted to 534,496*l.*, and then said, that the difference showed the diminution which had taken place in the amount of duty. But out of the five years to which the return applied, his hon. Friend had selected the year ending the 5th of January, 1837, which was precisely the very highest of the whole five years. If his hon. Friend had selected any other year for making his comparison, the result would have been totally different. His hon. Friend had acted in the same manner as to the mileage duty. If he had compared the first year with the last—that was the year 1835, when it was 487,000*l.*, with the year 1839, when it was 494,000*l.*—he would have found an increase instead of a diminution. Although the return exhibited a diminution of the duty paid by carriages, it showed an enormous increase in the proportion of duty paid by railroads. At the outset of the establishment of railways under the provisions of an Act of Parliament, compositions were entered into. These compositions had expired, or were expiring, and directions had been given by the Treasury to the Stamp-office that no new composition should be allowed to be made. The increase of duty on the railways was this:—in the year ending in January, 1835, the amount paid was 931,000*l.*; in the year ending the 5th of January, 1839, that sum had been increased to 970,000*l.*, or actually by no less than 39,507*l.* There had also been an increase of the amount of the post-horse duty in 1839, beyond that of previous years (except the year 1837), contrary to all expectation. Undoubtedly, when it was considered that railway passengers only paid about the eighth of a penny duty, while coach passengers paid a farthing, and while postmasters paid an amount equal to three farthings, it must be admitted to be perfectly clear, that this system of taxation was not just. As soon, therefore, as the completion of the financial accounts of the year would permit, he should introduce a bill upon this subject. But let not the House be led astray by a notion, that under any possible circumstances, they could now have the same extent of stage-coach accommodation as had existed in former years, before railroads were constructed. The thing was quite impossible. The mere facility which the railways afforded to the public in going from place to place with increased speed would (all other considerations of cheapness and comfort apart) necessarily cause in particular lines a great diminution of coach travelling. He had heard, for the first time, from the hon. Gentleman behind him, that the directors of rail-roads were buying up existing interests in stage coaches; but these attempts would be wholly ineffectual if other parties could, on the same lines, set up coaches which would produce a profit. Such purchases if they had taken place were only an anticipation of a result which competition would not fail to produce: for if it were worth some 1,000*l.* to the company to put down coaches on a particular line of road, it must be worth while for another party to set them up again. The fact was, however, that the railroads had in some cases created as many carriages as had been put down—they might be called omnibuses instead of coaches, or flies instead of chaises—but there had been a large increase of travelling by carriages, occasioned by the railroads. It was only necessary for hon. Members to pass from the metropolis to Birmingham to see the increase of many kinds of carriage communication. He might also appeal to the experience of hon. Members connected with Ireland upon this point. Upon the first establishment of the Kingstown railroad, there was an important traffic carried on by means of carriages from Dublin to a village called Blackrock; it was thought by the persons interested, that the railway would ruin their trade; but he believed that the very opposite had been the result, and that there was now a larger traffic than before the establishment of the railroad. He had not mentioned this with the view of opposing an alteration of the post-horse duties, which he admitted required revision; but because, he feared that if he had not made such a statement, an unfair impression would have been made on the public mind by *ex parte* arguments. He was sorry that his hon. Friend behind him had cast reflections on the conduct of individuals, or of the companies; he knew that there must always be some cases of abuse, especially in the infancy of these undertakings; but he believed, that on the whole, there was every disposition on the part of the railroad proprietors as it was their direct interest, to provide for the accommodation of the public. Where he had apprehended a monopoly, was with respect to the communication by post; he had then asked the House to interpose; the House had interposed, and he would again ask the House to interfere whenever he saw the possibility of a monopoly which might interfere with the Post-office arrangements. He believed, however, that it was the interest of the proprietors of railroads in general to have the best organised establishments, and to give the greatest satisfaction to the public. He would not then go further into the question; but he thought, that the subject had better be left in the hands of the Government. He admitted the principle that there should be an alteration in the post-horse duties; as his Bill was not at present prepared, he could not hold out the hope that it would be altogether satisfactory to his hon. Friend; but if his hon. Friend were not satisfied, when the measure was before the House, he might propose to mend it. This would be a better course than by going into a Committee of the whole House, and then moving a resolution which hon. Members would not have had an opportunity of fully considering. He hoped the House would permit him to make a remark or two on the form in which these resolutions were brought forward. The object of giving notice was, to enable hon. Members on all sides to be prepared to discuss the subject. They had got into a habit of late years, and the hon. Member for Falkirk, had more than once indulged in the habit, of giving a notice which seemed rather as a blind than as a guide. It was most important, that they should know exactly, what it was they were to discuss; but to place a general notice on the paper, and afterwards move specific resolutions, this was, surely, not the proper mode in which to conduct the business of the House, either with satisfaction to themselves, or with advantage to the public. He felt quite sure, that the House would see the propriety of adhering to their rules as strictly as possible. He would say no more, but he would ask the hon. Gentleman not to press his motion, and he would repeat his determination to proceed with a bill in the present Session of Parliament.

Mr. *Warburton* said, that if the right hon. Gentleman's object were only to arrange this system of taxation he would not have said one word; if the hon. Member had proposed to reduce the post-horse duty to a level with the duties on steam vessels and railroads, the proposition would have met with the general concurrence of the House; but when the hon. Member suggested the placing of additional taxes, he hoped that all persons interested in railroads and steam-boats would take the alarm. He remembered a former proposition by the then Chancellor of the Exchequer, Lord Althorp, which they had happily defeated, of placing the railroads under the blighting influence of the Chancellor of the Exchequer. It was proposed also to appoint an inspector of gas-lights, as it was proposed now to appoint an inspector of steam-vessels; but he believed that it would be a great evil to place either under the Chancellor of the Exchequer. Steam navigation was a progressive art—one year it was a great feat to steam from the Thames to Plymouth—but in the next year the vast Atlantic was traversed in safety: if left alone improvement would go on; but once let the Chancellor of the Exchequer in, and then "good-by to all." He was surprised to find the hon. Member for Falkirk endeavouring to assist the Chancellor of the Exchequer. What had that right hon. Gentleman told them? Why, that so far from the increase of steam communication having lessened the amount of the post-horse duty, the revenue had increased. What did this show? That it was of the greatest benefit to the revenue to provide for the public the cheapest means of communication; and if they placed new taxes on railroads they would interfere with the people taking fresh air, and it would be so far impolitic that if they imposed this duty on railroads, they would cause a decrease of that revenue which was now increasing. So far, therefore, from receiving a benefit from additional taxation, they would see only a diminution in the whole amount. But what was the value of additional taxation compared with the ease and convenience of the people; he hoped that they would not place any fetters on internal communication. Country gentlemen, so far from benefiting themselves by imposing taxes on railroad communications, would only diminish the number of travellers, cause a less consumption of oats, and the employment of a smaller number of horses. He trusted that the railroad proprietors would have their attention awakened to the subject, and he hoped that the House would not back the Chancellor of the Exchequer in placing upon these means of conveyance any new taxes.

Mr. *Hume* said, that the House ought not to dismiss this question without an express declaration of what was to be done. He had not understood the right hon. Gentleman to have talked of any new duty, and he for one thought that there should be a reduction rather than an increase. He believed, that the cross posts in Ireland which were not taxed were much better than they were in England, and he thought that the taxes upon carriages prevented the approach to less frequented places in England. The great advantage possessed by this country was the great facility of communication, and why did not the Chancellor of the Exchequer repeal the taxes preventing this? Because he had no funds. If the Government had only been just to Canada and to our colonies, they would have had ample funds to enable him to take off these duties. Thus the people of England would see the connection between their interests and this misgovernment, for if the expenditure of the country had not exceeded the income by a million, owing principally to the expenses in Canada, there would have been enough to take off these taxes. Every man experienced the vexatious interference of taxation with communication. He had done all he could to prevent the taxation of steam-vessels and railroads; he still deemed it an injudicious and impolitic tax, and whether they looked at it in a commercial point of view, or as a manufacturing question, or, above all, as it affected the communication of the people, he thought that the Government ought to use every effort to take the duty off railroads and carriages.

Mr. *Easthope* owed an apology to the House for addressing it under the disadvantage of not having been in his place when the right hon. Gentleman the Chancellor of the Exchequer spoke. If he accurately collected the right hon. Gentleman's observations, and the right hon. Gentleman really had any intention of increasing the present very heavy, and he might add very productive, taxation on railway communication, he submitted it to the House whether the right hon. Gentleman ought not, in common fairness, to give an explicit declaration of that intention at this, the earliest, moment that the subject was mooted. The House was doubtless aware of the fact that a heavy tax was laid upon, and had already been paid by, many railroads, whilst no return had been made to the proprietors upon their outlay; and if before the capital invested was capable of producing anything like a fair return, the taxes upon these undertakings were to be increased—if a struggle was to be entered upon with gentlemen who had enlisted themselves in hostility to the railroads—for his hon. Friend the Member for Falkirk appeared always ready for such hostility—if this were to be the course, he trusted they should at least be immediately told of the intention. He hoped that there would be no such disturbance of the large and important interests engaged in providing railway communication; and if there were any such intention, he trusted that the House would not be a day longer without receiving a specific notice from the Chancellor of the Exchequer of his intentions.

Mr. *Hodgson Hinde* was happy to hear

that the right hon. Gentleman had consented to take up the subject, and he, for one, was prepared to leave it in the right hon. Gentleman's hands, and give it his best consideration when the right hon. Gentleman brought it forward.

Sir *R. Bateson* hoped that the project of subjecting steam vessels conveying passengers to some inspection would also be considered. They must be aware that the proprietors would run boats to the last moment that the machinery would last. He did not speak of individuals, but it was the system, and it must be so while there was so much competition. He thought, therefore, that this being the consequence of the system, a general inspection should be instituted.

Sir *R. Peel* had made it a rule, to which he invariably adhered, never to press a Chancellor of the Exchequer for the reduction of any particular tax, until he had an opportunity of observing the state of the national revenue, and of comparing the claim for the reduction in the individual case with other competing claims. He should like to compare, with the subject now under discussion, the policy of reducing a portion, at least of the duty upon raw cotton, and, in fact, of every other item of the national revenue. Whether these were taken individually or abstractedly, there could not be a doubt of the propriety of fairly considering the claims of each. He thought that the only satisfactory way of adjusting this question was, to take off altogether the duty on post-horses. There would then be a fair competition between railway and other modes of travelling. The older description of vehicles must fairly take their chance of suffering by the introduction of other modes provided by the progress of science. What the legislature should say upon the subject should be this: "We give you your chance, without any inequality of taxation. It is impossible for us to interfere with the progress of scientific improvement, but you shall have no unequal portion of taxes to contend against." It would be found extremely difficult in practice to make compensation to the post-masters by any attempt to equalize the taxation; but he hoped that, before they were called on to decide, the Chancellor of the Exchequer would give them the fullest information on the subject; that, for example, they should be made acquainted with those lines of road in which the duty on post-horses had fallen off, and those in which it had increased. The Chancellor of the Exchequer had said, that it would be vain to endeavour to make such an arrangement of duties as would enable the post-masters on the great lines of railway to contend against the overpowering competition of the railways. What he was afraid of was, that if, in point of fact, the duty on post-horses were reduced to ½*d.* per mile, and if the railways were subjected to a duty of 1*d.*, it would be of no benefit to the post-masters upon the great lines of road, while it would be productive of great injury to the railways. In subjecting the country to any new fiscal regulations respecting railways, it should be considered how far the facilities afforded by railways tended to increase the amount of taxation in other articles. There might be an additional consumption of taxed articles in consequence of those railways, and that was an important point. They should likewise consider whether or no their new system of taxation would not bear unequally upon the different classes. He understood, for instance, that railways had been of great service to those persons in the lower condition of life whose capital was their labour, and they should consequently consider what great advantage it would be to that class of the community to have a rapid transfer of their capital from one part of the country to another. On the other hand, it was the upper class of society that was chiefly interested about post-horses. Great caution and consideration were therefore necessary before the House proceeded to increase the taxation upon railroads or steam-boats. It was a question whether the increased communication had not upon the whole been beneficial to the revenue, and whether, by forwarding private interests, they would not be injuring the revenue, and the general interests of the country.

Mr. *Poulett Thomson*, in reply to the hon. Member for Londonderry (Sir R. Bateson) said that he had the other day answered a similar question which had been put to him by the right hon. Baronet the Member for Tamworth, stating that two gentlemen were now employed gaining information relative to accidents by steam-boats, and arranging plans which he hoped to be able to lay before Parliament this Session, with the view of preventing future accidents.

Mr. *Handley* wished to ask the right hon. Gentleman, the Chancellor of the Exchequer, whether the increase in the post-horse duty had not taken place since its collection had been in the hands of Government, and had not been farmed out.

The *Chancellor of the Exchequer* replied that the change in the mode of collection had been a great relief to the parties concerned; it had prevented them from being subject to vexatious prosecutions, and had, no doubt, caused some increase in the amount of the revenue; but he believed, that the revenue had increased not in these years alone, but that the increase had been progressive for five years.

Mr. *Gillon*, in reply, said that it had been held out that he was an enemy to railroads, but he must deny that imputation. He had, however, joined with the Chancellor of the Exchequer against the establishment of monopolies: he would always interfere to put down monopolies, and he would rather be under the dominion of the Khan of Tartary than under a committee of railroad shareholders. It was true, as had been stated by the Chancellor of the Exchequer, that there might be an increase in the number of short coaches going only a mile or two, but that the coaches going long stages had decreased in number was proved by the falling-off in the receipts of the first gate out of London, the Kensington gate, the receipts of which had been diminished by 163*l.* 12*s.* As the Chancellor of the Exchequer had admitted the whole principle contended for, and as it would be preposterous at that moment to pledge the House to details, he would, with the leave of the House, withdraw his motion.

Motion withdrawn.

CUSTOMARY AND COPYHOLD TENURES.] Mr. *James Stewart* rose for leave to bring in a bill to enfranchise property held under Copyhold and Customary Tenures. He believed, that it was generally admitted, that the principle of some such bill was desirable, and the only doubt was, how far such principle should go. A bill upon this subject had been brought in last Session, which had been referred to a select committee, who were almost unanimous in coming to an important report, which went to the entire abolition of this species of tenure in this country. The committee, in their report, had made these recommendations:

> "Under these circumstances, your Committee have come to the conclusion, that the abolition of this tenure would not only be a great public benefit, but should be made, if possible, a national object. They are also of opinion, that no plan which merely leaves the option to the parties to enfranchise, will meet the exigency of the case, and they are, therefore, desirous of seeing a plan of enfranchisement introduced which shall have a due regard to the rights as well of the lord as the copyholder, but which shall be eventually compulsory on both. A plan having this object was submitted to your Committee, which will be found in the appendix; but your Committee entertained a strong opinion adverse to the system of arbitration suggested in the paper alluded to. It has, however, appeared to them, that the tithe commission, which has been recently established by Act of Parliament, might be rendered available, as affording a tribunal well qualified to deal with this important subject. The tithe commissioners have for some time pursued an inquiry of an analogous nature, and have at their disposal a machinery adapted for adjusting the rights of all parties interested in copyholds. Your Committee are, therefore, happy to state, that the tithe commissioners having been applied to, have intimated an opinion, that they could undertake this duty advantageously—and your Committee beg to refer to their evidence on this subject, which they deem highly satisfactory. In conclusion, therefore, your Committee look forward with confidence to the speedy and entire abolition of this tenure, as a means of greatly simplifying and improving the law relating to real property. They earnestly desire, that measures may be speedily taken to accomplish this object with reference as well to lands of customary as of copyhold tenure; it appears to them, that the best mode of effecting it would be by giving every facility to enfranchisement for a short term of years, and that after that period, the enfranchisement should proceed on the compulsory principle, and they recommend that a bill having this object should be introduced in the next Session of Parliament."

The Members of that committee were some of the most distinguished men in the House—Sir Robert Peel, Mr. Goulburn, Sir Edward Knatchbull, Mr. Freshfield, Mr. Hayter, Mr. Aglionby, and the Attorney-General. He now moved to bring in his bill, with the full knowledge and sanction of the Attorney-general, and also with the full knowledge and sanction of many Gentlemen on the other side of the House; and he had yet to learn whence the opposition, if there were any, was to come. He thought, that the bill might very properly be printed, and he would be content, that the discussion should be taken on its second reading, or some subsequent stage. He should, therefore, move for leave to bring in the bill.

Leave given.

Stade Duties.] Mr. *Hutt* rose to call the attention of the House to the injury inflicted on British commerce by the duties levied at the town of Stade by the King of Hanover. As it was a subject of vast interest to the commerce of the country, he hoped he should be permitted briefly to explain the origin and nature of those duties, in order to do which he should not have to travel very far back. At the congress of Vienna, in 1815, a claim was preferred by the King of Hanover to levy upon all the ships and cargoes passing the town of Stade on their way to Hamburgh, that great mart of commerce on the river Elbe, certain tolls or duties; which claim, amongst other pernicious measures, was admitted and sanctioned by the congress. It was subsequently referred to the convention which was held in 1821 in the city of Dresden, upon which occasion the ministers admitted the right of the King of Hanover to levy those dues, but, at the same time, required, that he should lay before the convention a tariff of the dues he proposed to levy, and that he should never increase them without the consent of the parties interested in them. Such was the brief history of the origin and existence of the Stade duties. He entreated the House to remark, that this extraordinary and unprincipled concession was made to the king of Hanover, without any advantage, right, or immunity whatever being granted by him in exchange; and that the emoluments arising from it went, not into the public exchequer, but into the private purse of the King of Hanover himself. He never could forget the conduct of the British Minister, who, for the purpose of gratifying the ambition and increasing the private income of his Sovereign had consented to a measure so detrimental to the commercial interests of this country. But there was a treaty! And, however, they might lament its effects—however, they might deplore the subserviency which dictated it, they must respect the faith of that, as of all treaties, and dare not without any indemnity, propose its abolition. He knew, that many of his constituents had spoken of that treaty, as being founded in injustice, and of Hanover as a weak and powerless state, by which it was unfit that we should be dictated to. But he should be extremely sorry that the Government or the Legislature of this country should prescribe one law for the weak and another for the strong; and, if Hanover could establish her right under the treaty of Vienna, and exact those dues, he was ready to admit, that it would be both impolitic and unjust on the part of England, to attempt their abolition. He contended, however, that the King of Hanover had infringed that treaty, inasmuch as he had never redeemed the pledge which he had made by his Minister, to lay before the Congress a tariff of the duties to be levied at the town of Stade. No such document was ever laid before the Congress; or, if it had been, it was immediately and surreptitiously withdrawn, and finally extinguished. He had taken the greatest pains, as Member for Hull, to obtain a copy of that document, but it was not to be found. He had searched for a copy of it even in Hanover, but without arriving at the prospect of success. He need hardly suggest that a knowledge of the tariff was an object of great interest to all persons connected with commerce, and to all representatives of commercial communities; he accordingly felt it to be his duty to apply to the right hon. Gentleman near him, the President of the Board of Trade, requesting a copy of that document, or extracts from it, but at the Board of Trade no knowledge of any such document existed. British merchants knew no more of it than that which they derived from the painful experience of being sufferers under it. They had no knowledge of the nature and extent of those duties, with the exception of that portion of them which they were compelled to pay; and, in fact, so little was known of it, that one might almost venture to affirm, it had no real existence, except in the will and pleasure of the King of Hanover. In the absence of direct proof, he must endeavour to lay before the House such presumptive evidence as it had been in his power to collect. Ever since the year 1821, the duties had been continually varying, and almost always increasing. He could show, that on the same articles the duties varied according as the articles were entered by German or by English names. Thus, it would seem, that every thing depended upon the language in which the entry was made. To establish this startling fact, he would refer to evidence of the most unexceptionable character. He had obtained a copy of a pamphlet, published in Hamburgh by a person of great consideration there, and who was naturally prejudiced in favour of what were supposed to be Hanoverian interests. From this publication it appeared, that if bales of merchandize or manufactured goods, were entered in these terms, they paid a certain specified duty of very large amount, whereas, if the words were translated into German, the parties who had to pay, became great gainers by the change. The unhappy use of the word "toys," instead of the German term, inflamed the duty six-fold. These were the exact terms in which that sensible and judicious pamphlet noticed this part of the subject:—

> "There is a precision observed in the wording of invoices, so as to tax the denomination of the article imported, not the nature of the article. Thus, if the word 'bales' is introduced into the invoice, it is made to pay double the duty that it would pay if called '*ballen*,' although the only difference between the two terms consists in this, that one is English and the other German. The same singular distinction is made with respect to toys, which pay six times the duty on *spielzeug*, because the former word is English and the latter German. Of all foreign powers trading to Hamburgh, England is by far the most interested in the removal of this grievance."

But, injurious as the high rate of duty is to our commerce, inasmuch as it offers a premium *pro tanto* to the manufactures of rival nations on the continent not exposed to them, it was ten times more injurious on account of the rigour and spirit of oppression with which it was enforced: this he would explain, by stating the manner in which the duties were collected. On the arrival of a ship off Stade, she was compelled to "lay to;" the captain went ashore, and delivered over to an officer of the Hanoverian Customs, the ship's papers. The papers were forwarded to Hamburgh, and, should there appear on the discharging of the cargo the slightest discrepancy between the ship's manifest and the goods on board, she was exposed to seizure, detention, fine, and even confiscation. Let any error be detected, however trivial or unavoidable, let the Hanoverian officer discover any variation, however free from suspicion of fraud, and the vessel and all she contained, fell into the tender mercies of the King of Hanover, by whom she was disposed of according to his arbitrary will. Dr. Adolph Soetbur mentioned the case of a ship whose papers had described her as containing an anker of wine instead of two half-ankers, and for this error of technical denomination, she was seized, and released only on the payment of a fine. He had, moreover, a statement in his hand, sent to him by a merchant of Hull, which he thought, was worthy the attention of the House, both on account of the hardship it described, and the high respectability of the party from whom it proceeded. He was sure, that the noble Lord, the Member for the West Riding of Yorkshire, and many other Members of that House, would corroborate his statement, when he asserted, that any allegation by one of the family of Mr. Tottie was deserving of every attention in that House, and in any other assembly. Now, what said Mr. R. Tottie, of Hull?—

> "Two cases which have recently occurred, will serve to illustrate the practice under such regulations. The first was, a bale which contained 900 lb. of worsted yarn, and a few pounds of linen yarn as a sample, and was shipped from Hull in April last, on board the Lee, for Hamburgh. Upon the plea that thi small parcel of linen yarn was omitted in the bill of lading, which only expressed the contents of the bale as worsted yarn, notwithstanding this omission made no difference in the rate of duty, and that no fraud was or could be imputed, the ship was detained until a fine had been paid. The discovery of this sample of linen yarn was made by the Hanoverian inspector, resident at Hamburgh, who has access to the custom-house there, and to all entries of goods imported. The Stade duties are levied at certain rates per package, whether large or small, and vary according to the denomination of the goods they contain—viz. a rate for manufactures or merchandise another rate for worsted or linen yarn, and a third rate for cotton twist, &c. The other case was a fine of 22*l*. 7*s*. 10*d*. levied on fifteen bales of manufactured goods or merchandise, shipped at Hull, in the Tiger, for Hamburgh, in August last. The plea for this fine was, that those bales were denominated in the Hull custom-house cocket 'cotton twist,' while the bills of lading expressed their denomination to be 'merchandise,' and for this misnomer in the cocket, the fine above-mentioned was levied, although the Stade duty was claimed and paid as merchandise which is subject to the higher rate."

Such was the statement of Mr. Tottie, of Hull. He could multiply evidence of the same description did he not fear to fatigue the patience of the House, and thus to injure a cause he so ardently desired to promote. Perhaps he had said enough, to convince the House that the manner in which the King of Hanover enforced his assumed rights on the Elbe, was wantonly injurious to British commerce, and discreditable to the honour of our national flag. He hoped, also, that the House had followed him to the conclusion, that the manner in which the Stade duties were collected, was an infringement of the treaty of Vienna and of the articles of the Convention of Dresden. Now, then, he should wish to know how long these proceedings were to be endured. In the area of the world, from China to Peru, he could discover no sovereign so bound by personal obligations to treat the people of this country with leniency, kindness, and consideration, as the King of Hanover, not only on account of his British birth and education, not only on account of his close connexion with the British throne, but because, King of Hanover as he was, he received 20,000*l*. per annum from the people of Great Britain. He was sure, that these acts of insult and outrage, coming from any other quarter, would have been replied to from the mouths of our cannon. He could discern no special reason why the King of Hanover was to be treated with so much tenderness, and he hoped the House would support him, at least in the resolution which he now submitted, and which, he trusted, if agreed to, would be the medium of arresting the progress of this oppression and injury. He moved, "That this House had seen with regret, the conduct of the King of Hanover in regard to the dues levied by the authority of his Majesty at Stade, on British vessels and cargoes; and that this House is of opinion, that no foreign power should be permitted to levy on British shipping or commerce, any tolls, dues, or charges whatever, till its right to do so has been first clearly and fully established."

Viscount *Palmerston* was ready to admit, that the case which had been brought before the House, was one on which there appeared to be a good ground for complaint. But, at the same time, he must say, that that ground was not precisely that which the hon. Member had attempted to prove. The ground on which he thought they were entitled to complain of the conduct of the Hanoverian authorities was, that they had levied these duties, exceeding in many cases, as he thought, the right of collection; and that there had been a system of vexation and an arbitrary exercise of power in the application of the duties. He should be glad, if he felt able to state to the House, that the King of Hanover had not a right to levy these tolls; and he should, in that case, be undoubtedly prepared to vote for the resolution which had been proposed by his hon. Friend, and perhaps for one worded in stronger terms, if the hon. Gentleman had proposed such an one; but he apprehended that no doubt could exist as to the right of the King of Hanover to the duties which he claimed. What the origin of them was, he was not prepared to say; because it rested in remote antiquity: but as early as 1691, when the duchy of Bremen belonged to the kingdom of Sweden, a treaty was entered into between Sweden and Hamburg, by which Sweden gave up in favour of Hamburg, the collection of the tolls on vessels passing to that port. This statement, therefore, on the one hand would show the authority to demand the tolls, and on the other it would also exculpate the former Ministers of this country from the imputation of having, at the Congress of Vienna, acquiesced in claims made by the King of Hanover, which were not founded on right, because the right of the possessor of the duchy of Bremen to levy the duties was as old as the period which he had mentioned. Then, in 1719, the duchy of Bremen was ceded by the Crown of Sweden to the Elector of Hanover, with all the rights which belonged to it at that time; and in 1756, a treaty was concluded between England and Hanover, by which English vessels were exempted from stopping at Stade to pay the toll, and were permitted to go to Hamburg, for the tolls to be paid there. This, then, was another admission on the part of this country of the right to the tolls. Then he came to the treaty of Vienna, and it would be recollected, that that contained provisions that all rivers which traversed more than one State, or which separated two States, should be free to all tolls which should be established by the ministers-plenipotentiaries, and all the parties were bound to acquiesce in such tolls as should be decided upon and established by the Convention. With regard to the Elbe, there was a Convention; and the plenipotentiaries met at Dresden, in

1821, and at that Convention it was agreed, that the Stade tolls should continue to be levied. He thought, therefore, that it would be impossible for this country to resist the right of Hanover to levy the dues. On the other hand, however, this country had a right to inquire whether the duties demanded were sanctioned by the convention of 1821, and to see that there should be no caprice in levying them, and not merely, that nothing like injustice or violence should be committed, but that every facility was given to the commerce of England. Undoubtedly complaints had been made to the British Government since the year 1825 that abuses did exist with regard to the levying of tolls, and a communication was established, before the year 1830, between the British Government and that of Hanover. After the change of the administration in 1830, complaints were again made, and he and his right hon. Friend the President of the Board of Trade had been in communication with the representatives of Hanover here, with a view to ascertain how the facts of the case stood. The first thing which they endeavoured to do was, to get the tariff, which was the foundation of all these proceedings. After some difficulty it had been obtained, and he had referred it to Mr. Canning, the chargé d'affairès at Hamburg, for any observations which, from his local experience, he might be able to make upon it. He had not yet received it back from that Gentleman, but he had no doubt that it would reach him in the course of a few days. They had also applied for a copy of the regulations for the guidance of custom-house officers in acting upon the tariff, and when they obtained them, on comparing them with the tariff, they would be able to judge between them. The House would, therefore, see that the state of the case was, that the British Government was in communication with the government of Hanover with a view of obtaining redress, and he could assure them that he was quite aware of the importance of the subject as bearing upon the interests of British commerce, and that there should be no neglect or indifference on his part in obtaining that redress if it were due. Under these circumstances, therefore, he should think, that the House would be departing from that course which it had been found usually expedient to adhere to if they were to adopt this resolution, and the more so as he thought that the resolution comprehended a denial of a right on the part of the King of Hanover, which he feared could not be borne out. He should, therefore, move the previous question, and should hope that the hon. Gentleman, the Member for Hull, knowing that the Government had this matter under consideration, and were endeavouring to do their best to set right what might be wrong, would not object to the Amendment.

Mr. *A. White*, on the part of his constituents, felt bound to say, that the present system was exceedingly unjust to the British interests, especially when it was remembered that the vessels of Hanover were allowed to trade to this country on the same footing as British ships. He was therefore glad to observe that the noble Lord had this matter under his consideration, and that some steps would be taken to remedy this important impost. He begged, therefore, to support the motion of the hon. Member for Hull.

Mr. *Hutt* begged to be permitted to make one or two observations. He might leave the matter, with great confidence, in the hands of the noble Lord, who had the interest of British commerce at heart; but he could not give up the point that the King of Hanover, having become a party to a contract, had not performed it, as he had not produced the tariff, which he was pledged to do; and therefore that it was not valid.

Amendment agreed to.

CALICO PRINTING—COPYRIGHT IN DESIGNS.] Mr. *Poulett Thomson* rose to move for leave to introduce two bills relating to copyright in designs for certain manufactured articles. It would be within the knowledge of the House, that during the reign of George 3rd, three Acts of Parliament were passed for the purpose of giving to the calico printers copyright in the designs used for their manufactures. The last of these Acts gave the copyright for three months from the time of the issuing of the prints from their warehouses. At that time, the use of the designs in question were confined to calico printing; but since then, there could be no doubt a very considerable amount of such prints were used in fabrics of different kinds. The Act, also, did not extend to Ireland; but since it was passed, calico printing had been carried on to a considerable extent in that country, and protection was required for the designs used. At first a doubt had existed whether, in point of fact, the Act did not really extend to Ireland, and while that doubt existed, it protected the designs; but as soon as it was removed, piracy commenced, and was carried on to a great extent. His object, in the first of the bills which he now proposed to introduce, was first to extend the provisions of the Act to Ireland, and then to extend the protection of the copyright in design, which was at present limited to calico, to other woven fabrics which were printed in the same manner. The other bill which he proposed to introduce had reference to the same subject, but was of much greater importance. The subject of patents for inventions and for patterns had been already much discussed, both in the House and in a Committee up stairs. It was not his intention to meddle with the patent Acts; but, at the same time, he had always thought that the Act in question was more especially adapted for the protection of those inventions as to which it was desirable to have the copyright extended over a long period of time—for seven or fourteen years; and that what was still wanted was protection for those inventions which were only wanted for a very short time, and the inventors of which could not afford to go to the expense of obtaining patents in the ordinary way. It also appeared to him, that one of the reasons why all previous attempts to secure protection for the articles in question had failed was, that the promoters of them had endeavoured to extend the provisions of the patent-laws to those articles which were not by their nature capable of receiving the protection they afforded. He proposed to establish an office in London, where parties might have an opportunity, if they thought fit, of entering their designs, by which they would secure to themselves the privilege for a certain time —for six or twelve months, for instance—of enjoying the sole property in those designs and the articles made with them. He did not propose to make this course compulsory on the part of the owners of the designs; but merely to give them the opportunity of taking advantage of the law if they thought fit so to do. He further proposed, that a Commissioner or some person appointed by the Board of Trade should have an office of this kind in London, and that he should be paid, not by a salary, but by the fees arising from the entry of designs. Thus no additional expense would be entailed upon the public. A great many branches of manufactures would be benefitted by this mode of protection. It had been over and over again shown, that a great many articles were made, the designs for which took a great amount of time and labour, which were nevertheless subject to be pirated, before they could find their way into the market. For instance, he had himself seen various articles in brass and iron—patterns for grates and stoves, and other things—for designing which artists had been paid 20*l.* 25*l.* 30*l.* or 100*l.*, as the case might be; yet, before the persons who had paid those large sums to the artists were able to bring into the market two or three of the articles for which the designs were intended, those designs had been copied by some one else, and they were thus deprived of the opportunity of obtaining what they were justly entitled to, namely, the priority of sale. Of this injustice, parties so situated had a right to complain: they had a right to call on the Legislature to relieve them. Now, these particular articles differed materially from printed calicoes and other woven fabrics, in the nature of the protection they required. In the woven fabrics, there was what in law constituted a publication, for at the end of each piece was printed the number of the piece, the name of the manufacturer, and the date of publication; and here was, at once, afforded evidence of the time of publication, and of the duration which the privilege ought to have. This, however, was not the case as regarded the articles he had last alluded to. The calico printers were perfectly satisfied with the means of identification which they at present enjoyed, and they would consider any change a serious inconvenience. But in the case of the other articles referred to, it was impossible to place any mark of publication on the articles themselves. In the bill, therefore, which he proposed to introduce, a registry would be afforded, of which the parties might, if they chose, take advantage. If they did not think fit to take advantage of it, they would then remain in the state in which they now were as regarded protection. He hoped that the measure of which he had here given an outline, would be found beneficial to those interested. One good feature of it was, that it would cost the public nothing. He hoped the House would give him leave to introduce it.

Leave given. Bills brought in and read a first time.

CANADA.—EXPENSE OF THE EARL OF DURHAM'S MISSION.] Colonel *Sibthorp* rose to move for a certain return of the expense of the Earl of Durham's Canadian mission, pursuant to the following notice of motion for a "return of the total expense incurred with reference to the appointment of the Earl of Durham as high commissioner and Governor-general of Canada, distinguishing the amount of salaries paid or to be paid to Lord Durham and each officer or other person employed in or connected with the said commission; also, stating the expense of the outfit of the Governor-general and suite and all other persons, as well during their residence in Canada as on their return to this country." Having heard that the Earl of Durham had stated that he would be 10,000*l.* out of pocket by his mission, he was anxious to know whether this sum was to be understood to have been expended in those trappings and gew-gaws which the noble Earl might think necessary adjuncts to his state, or whether it had gone in the payment of any of the natural expenses of his station. He wanted to know what the public was to pay for this unfortunate, and, as he feared, most expensive, commission. Indeed, he almost doubted whether the noble Earl would confine his charges to his own personal expenses, for he found in the civil contingencies for 1835 a charge of 4,000*l.* for the outfit and the equipage of Lord Durham on his Russian mission, and immediately after, another item which, when there was so much avowal of a desire to save the country expense was at least extraordinary, that item was a charge for the entertainment and conveyance of the Countess of Durham and suite on board the Cleopatra, a charge of 176*l.* There was also a charge for the entertainment and conveyance of Lord Durham to Constantinople on board the Barham of 189*l*, and a charge for the balance of the expenses of his Lordship's mission in 1832 of 19*l.* 2*s.* 7*d.* When he found all these little items paid by the Government and received by Lord Durham, he confessed that he doubted much whether this 10,000*l.* would cover all his personal expenses, and that when the return was given in, it would be found that the country was charged with a variety of things for which the 10,000*l.* had not sufficed to pay. Some time ago he moved for a return of the expense of conveying Lord Durham and his suite to Canada by the Hastings. That amounted to 573*l.* Why did not the noble Earl pay that himself? He was afraid, he repeated, that the expense of Lord Durham's outfit and residence would be very great. There was the Lord High Commissioner—plain Commissioner would not do; he must be a "High" Commissioner, a sort of Jupiter Tonans—and there were the secretaries and the principal aide-de-camp and four other aides-de-camp, and an extra aide-de-camp besides. All these officials were justly entitled to be paid for their services; for though he thought the Earl of Durham the very worst person who could have been sent on such a mission, as he had only increased the mischief instead of putting an end to it, he did not think the country ought to attempt to refuse the persons it had employed under him, their just remuneration. The amount, however, would be very great, and he wished to have a return which would show not only the whole of the expense, but also each item of expenditure. These were matters of grave consideration, and he did not see how a Government calling itself economical, and professing to set every thing right that was wrong, could refuse to accede to the application he now made on the part of the people. If Government refused the returns, he should take the sense of the House on the motion, and if he were defeated now, the noble Lord might expect to hear from him again in a few days on the subject. The hon. and gallant Member concluded, by moving for the returns.

Mr. *Hume* seconded the motion; not that he concurred in many of the reasons that had been adduced by the hon. and gallant Member, but because he considered it of the utmost importance, that the public mind should be satisfied on the subject of the extraordinary expenditure attending Lord Durham's mission to Canada.

Mr. *Barron* rose, not to oppose the motion, but to protest against the spirit in which attacks were made, both in and out of the House, on Lord Durham, with regard to the expenses of his mission to Canada. Such attacks were disgraceful and discreditable—

The *Speaker:* Does the hon. Member mean to apply his remarks to any Member of the House?

Mr. *Barron:* I mean that the attacks are disgraceful and discreditable. I do not mean to apply those terms to any individual Member.

The *Speaker:* I understood the hon. Member to say, that attacks were made, both in and out of the House, on Lord Durham, which were disgraceful and discreditable. Did the hon. Gentleman, in doing so, allude to any Member of this House?

Mr. *Barron:* I do not allude to the hon. and gallant Member. Had I thought his observations of that character, I should have stood up and protested against them. What I mean is, to protest against the attacks which are made here and elsewhere upon a nobleman, to whom the country is, in the highest degree, indebted, who has distinguished himself on various occasions, at home and abroad, and who has succeeded in every mission he has undertaken, up to the time of his acceptance of the Lord High Commissionership. I have not the honour of the personal acquaintance of the noble Earl, but I feel called on to protest against and repudiate the imputations cast upon him. These attacks, though they may produce no effect in this House, are taken up by the public journals, and I maintain, that it is the duty of every honest Reformer to protest against such conduct. I know the base uses to which these returns will be put by the public journals, and I protest against all such attacks on the character of the nobleman in question.

Colonel *Sibthorp:* I rise to ask the hon. Member whether he applies the word "disgraceful" to me with reference to my conduct on this or on any other occasion?

Mr. *Barron*: The hon. Gentleman need not have asked that question. I have already stated, that I did not apply that expression to him.

Lord *John Russell* had no objection to the return, although he must say, the hon. and gallant Member had moved for it in a somewhat singular, and perhaps inconvenient shape. As his motion stood in the printed paper, it was not very consistent either with common sense or with the English language. Perhaps the hon. Member had reconsidered it. He really thought, without imputing any motive to the hon. Gentleman, that a Member of that House, before making the observations he had made, should apply himself to learn the usual course adopted by persons employed in the public service with regard to their expenses. The hon. Gentleman could not expect the Earl of Durham to go out to Russia or to Canada as the representative of his Sovereign, or for special purposes, and to incur enormous expenses out of his own pocket, to the payment of which the State should not contribute. If such a principle were adopted in the public service, none but very rich men could ever be employed. The outfit given to the Earl of Durham when ambassador, which had been alluded to by the gallant Colonel, was the same as was given to all other ambassadors. The charge also of conveying the Earl and Countess of Durham, and family in her Majesty's ship was also similar to that paid to the captains of all vessels for the expense they were put to in entertaining ambassadors in conveying them to their destination. If the gallant Colonel would attend to these things, he would proceed in a more orderly manner. The charges which he alluded to regarded all ambassadors, instead of appertaining to the noble Earl alone. As to the Earl of Durham not having been the proper person to be sent to Canada, he would only observe, that this was not the time to go into the subject; but as to the noble Earl receiving a sum of money for outfit and expenses, he was sure, that if the gallant Colonel would look to the general returns, he would see, that the charge was not singular in this case. He did not object to give the returns, but he trusted, that the gallant Colonel would amend his motion.

Colonel *Sibthorp* contended, that his motion was consistent with common sense; he should persist in it, without adopting the change pressed by the noble Lord. As for the observation of the noble Lord, he repelled the insinuation with sovereign contempt, in as strong language as the House would allow him to use, in answer to the unbecoming language of the noble Lord. He could tell the noble Lord, that he would not venture to make use of such observations out of that House.

The *Speaker:* I am sure that the hon. Member must see that such language is out of order; and that he will admit that it is so.

Colonel *Sibthorp:* I have feelings as well as the noble Lord; and I should not have applied the remark to him, had it not been that he imputed to me a want of common sense.

The *Speaker:* The hon. and gallant

Member must be aware, that the remark that he made, namely, that the noble Lord would not venture to make use of such observations out of that House, is highly disorderly.

Colonel *Sibthorp:* I think that I am entitled to some explanation from the noble Lord before I am called upon to say anything. No such observations as you refer to, Sir, would have fallen from me, had I not have been attacked in the first instance. I deny, that I had any intention of casting a direct or implied imputation on the noble Lord alluded to; but I consider that I am justified in questioning the conduct of any public man. If censure was to be cast on any one, it was on the Chancellor of the Exchequer, for an improper expenditure of the public money; and that right hon. Gentleman was absent, and the noble Lord came forward in his defence. But I ask, was the noble Lord justified in attributing to any Member of this House a want of common sense.

The *Speaker:* What I understood the noble Lord to say was, that the motion which the gallant Colonel had made was not the same that appeared in the votes of the day; and as it was proposed, it was not consistent with common sense or good grammar.

The *Chancellor of the Exchequer* had no objection to give the returns if the hon. Gentleman framed his motion as he suggested. He did not think, that the House would agree, that there should be any distinction made between this Commission and other previous Commissions. The hon. and gallant Member, in his motion, called for a return of the expenses incurred with reference to the Governor-general and suite, and the number and names of them, and in addition, the expenses attendant on the conveyance, residence, and return of all persons who went out to Canada, whether they returned or not; which motion, in point of fact, would include all her Majesty's subjects. He would suggest, that the motion should be amended, confining it to the expenses incurred with reference to the Earl of Durham, as High Commissioner and Governor-general of Canada, distinguishing the amount of salaries paid, or to be paid, to Lord Durham, and each officer or other person connected with the commission, and also the expense of the progress of the Earl of Durham and suite. If the hon. and gallant Officer refused to adopt this alteration, he should propose an amendment to the effect that he had stated.

Colonel *Sibthorp* said, that he should persist in his motion, and should not submit to its being altered at the suggestion of the Chancellor of the Exchequer. The motion that he proposed was the same that he showed to the Chancellor of the Exchequer up stairs, who told him there was no objection to it; but he found that another motion than that which he had given notice of, had been printed in the votes. He would have his return or no return at all. He protested against such a return being shovelled in by the Chancellor of the Exchequer, whose conduct in this matter he intended to attack by it. The truth was, that the right hon. Gentleman was politically afraid to give the return; and he, therefore, wished to have it altered, so that the matter might be let alone in that House and by the public. He did not care whether his motion pleased the noble Lord or not, or whether he thought that it was consistent with common sense and good grammar, as he was sure that he could never learn anything from the noble Lord; and he was determined that he would never follow in his footsteps.

Viscount *Dungannon* recommended his gallant Friend to assent to the amendment; and if the return, as presented, should not prove satisfactory, he could bring the subject again before the House.

Motion, as amended, agreed to.

ECCLESIASTICAL COURTS (IRELAND).] Mr. *Barron* rose to bring forward his motion for a Bill to consolidate and reform the Ecclesiastical Courts in Ireland. He would begin by reading an extract from the Report of the Commission appointed to inquire into the constitution of Ecclesiastical Courts in Ireland. It said,

> "Our attention has been directed in a peculiar manner to the official and professional services connected with these Ecclesiastical Courts. The general impression is, that the expense of the proceedings in the different ecclesiastical jurisdictions, compared with the superior courts of Common Law, is unreasonable, and that this impression, as applied to the Prerogative Court, is in a great measure well founded, the evidence sufficiently proves. These evils may perhaps partly be attributed to the abuses of official practice, and the excesses in official and professional charges; but there are other causes inherent in the very

form and constitution of the jurisdiction itself, to which they must primarily be attributed. The proceedings are conducted on the principles of the civil law, and therefore enhance the expense. The length of the pleadings, the multiplicity of interrogatories, the mode of examination—frequently inefficient in eliciting the truth—tend to an accumulation of expense from which the proceedings at Common Law are exempt. We feel ourselves warranted in laying these statements before the Legislature, to show how much the subject is entitled to their serious attention."

Such was the language of the Commissioners. His attention had for three years been directed to this question, and he had procured the appointment of a Committee of that House upon it last Session. That Committee, of which he was the Chairman, had found the expense and delay of the proceedings in these Courts most oppressive; and consistently with the recommendations of the Committee, and with the suggestions of the Commissioners, that Bill had been prepared (by the highest legal authorities), which he now begged leave to introduce. The Bill was similar in its provisions to the measure which had been brought in by the learned Member for the Tower Hamlets (Dr. Lushington) in regard to the Ecclesiastical Courts of England. The object of its enactment was, first, to consolidate into one court, all the minor Ecclesiastical Courts in Ireland, which were at present established in every diocese in that country. Since the law upon tithes had been altered in Ireland, these courts had none of that tithe business, which formerly was their principal occupation, so that now they were utterly useless. The judges in those courts were clergymen, who had no knowledge of the law, and the Bill would enact, that there should be but one Ecclesiastical Court in Ireland—the Prerogative Court of Dublin. The Supreme Judge in that Court would be appointed by the Crown, as the Judges of this country were. The Judge would have the power of framing rules for the regulation of the Court, and also to call in the aid of a jury to try matters of fact. He trusted that the Primate of Ireland would not give any opposition to the Bill which he now proposed to bring in.

Viscount *Morpeth* would not offer any obstacle to the Bill, after the great pains that had been bestowed upon it by his hon. Friend. He trusted that its details would receive great attention, not only from the House, but the hon. Members for Cashel and Clonmel. He hoped that his Friend would not press on the subsequent stages of the Bill until the House had had a full opportunity of making itself acquainted with the details of the measure.

Mr. *Lefroy* did not anticipate that the noble Lord would have given his assent to the Bill, considering the object it had in view. What was that object? Why, not only to make a revolution in the whole course of proceedings in the Ecclesiastical Courts of Ireland, but to rob of his right of patronage, the head of the Church of that country. He thought, if such a bill was to be introduced, it ought to have been brought forward by her Majesty's Government. He should, therefore, enter his protest against the measure, and he felt convinced that the end of the matter would be, that her Majesty's Government would themselves feel compelled, at a future stage, to give their determined opposition to the measure.

Dr. *Stock* would give his support to the bill, considering that it would be of essential service in Ireland.

Dr. *Lushington* did not think that his hon. and learned Friend opposite, exactly apprehended all the circumstances of the case. He did not mean to enter into a particular relation of all the facts connected with the English Ecclesiastical Commission. He would merely remind the House that that commission had been appointed by the Duke of Wellington, in 1828, and had received the sanction of the successive Ministries; had been acceded to by many Bishops and other high ecclesiastical authorities. No important difference of opinion had taken place amongst them, and with regard to the matter referred to, all the Commissioners agreed. Bills founded on their recommendations, had from time to time been introduced, one in particular, by the Government of Lord Grey. The right hon. Baronet, the Member for Lambeth, had also taken up the subject. It was not quite correct to state that the measures had failed from the opposition given to them. The real state of the case was this—a measure founded upon these recommendations had been introduced into the House of Lords, and there was this difficulty felt respecting it: The Bishops were of opinion that it should be preceded by a Clergy Discipline Bill. A measure of this sort had been introduced, but had not passed the House of Lords. With respect to the patronage he would just state, that, having waited on the Archbishop of Canterbury to submit to that Right Reverend Prelate a measure, the effect of which was to deprive that Right Rev. Prelate of patronage to the amount of 12,000*l.* a-year, his Grace had said, "Give me ten minutes to consider of it;" at the end of the ten minutes he expressed himself perfectly ready to give up the whole—and every one of the Bishops had expressed themselves in the same manner. He was perfectly convinced of the necessity of some such measure for Ireland. He was perfectly satisfied that until some reform took place in the Ecclesiastical Courts of that country—until a consolidation of those Courts, and a suppression of the minor jurisdiction took place, that a Session would never pass without complaint on this subject. It was impossible that persons not brought up to the legal profession, whatever might be their determination to do their duty, could so deliver their judgments as to secure the confidence of suitors in that Court.

Mr. *Shaw* said, that the objection which his right hon. Friend had made, had not been met by the hon. and learned Gentleman who had just sat down. The objection of his right hon. Friend was, that this measure had not been brought forward in such a manner as to claim the support of the House. It was not brought forward by a Member of her Majesty's Government. With respect to the English Bill, mentioned by the hon. and learned Gentleman, it appeared that the measure had been submitted to the Archbishop of Canterbury, and he should like to know whether any such course had been pursued on the present occasion? With all due deference to the hon. and learned Gentleman, he did not think the measure had been brought forward in a way to meet with the concurrence either of the House or of the parties concerned. Had it ever been brought before the Prelates of Ireland, who were so deeply concerned in the subject? He considered that the noble Lord, the Secretary for Ireland, entertained a somewhat similar objection, at least so he interpreted the expression of anxiety made use of by the noble Lord with regard to the presence of the Solicitor General for Ireland, who had been so short a time a Member of that House. If the hon. Gentleman would agree to place his bill in the hands of the Government, he should have no objection to it; and he believed that the noble Lord (Morpeth) would be nothing loath to take charge of it. This was a measure which required very great care and deliberation, and however competent the hon. Gentleman might be in other questions, it could not be disputed that he ought to have had the ample materials and the extensive professional experience, that would be necessary in one bringing forward a bill for effecting a total change in the Ecclesiastical Courts in Ireland. As the bill in the case of the Charity Commissioners was left in the hands of the Government, he did not see why this measure also should not be so left. If the measure was left in the hands of her Majesty's Government, he (Mr. Shaw) had no doubt that it would receive the most careful and extensive preliminary consideration. In that case, also, it would have a better chance of success. He was also of opinion, that a new arrangement of the Diocesan Courts might be introduced with great benefit.

Mr. *Grattan* could not agree with the doctrine of the right hon. Gentleman (Mr. Shaw), that everything should be left in the hands of her Majesty's Government. If this bill was bad, let it fall—if it were good, why should it not succeed on its own merits. He objected to the right hon. Gentleman's principle, as poor and miserable. He also objected to the corollary he deduced from it. It was in fact, recommending a Member of the House to abandon his independent privilege of introducing bills if he thought proper. Nor was it necessary that the introducer of a legal measure should be a lawyer. The hon. Member for Roscommon introduced the Medical Charities Bill last year, yet he was not a doctor. Upon that principle, any measure connected with the reform of the Corporation should be left to the right hon. Gentleman, for though he was not a lawyer he was the champion of the Corporation. When the right hon. Baronet the Member for Tamworth introduced his bill for the consolidation of the laws respecting property especially in Ireland, the right hon. Gentleman did not make a single objection on the ground of the mover not being a professional person. He thought therefore, that the right hon. Gentleman should not persevere in his opposition.

Mr. *Barron*, knowing how anxious, laborious, and unpleasant a task it was to bring forward a question of this sort, and how difficult it was for a Member ever to bring a private Bill through the House, would at once agree to leave the bill in the hands of her Majesty's Government. Its necessity must be evident from the vast masses of property which had been squandered and dilapidated in consequence of the abuse of the Ecclesiastical Courts. They had had the results of the labours of a commission which had sat for twelve years, to give them information on this question. The learned Member for the Tower Hamlets said, that a commission of the most eminent men in England had been at work upon this subject. True; and it was in consequence of the recommendation of that commission, sanctioned by two Tory Governments, that he had prepared his bill. He had had the assistance of the most eminent men in both kingdoms. The most experienced practitioner in these courts had for months given his undesired, unbought, and unpurchaseable attention to the bill, before he (Mr. Barron) had ventured to bring it before the House. He had merely taken upon himself, with their most able assistance to remedy evils and abuses which had been recognized and complained of by two commissions, by one Committee, and by every lawyer and witness who had any connection with those Courts. He (Mr. Barron) had had painful individual experience of the expense of those Courts, and the impossibility of obtaining justice in them. He was ready to surrender the measure to the noble Lord (Morpeth) and his learned Friend the Member for Cashel. But he trusted, he at least would not be prevented from bringing in a bill merely because he did not happen to be personally agreeable to hon. Gentlemen opposite.

Leave given.

METROPOLITAN POLICE COURTS.] Mr. *Fox Maule* moved for leave to bring in a bill to regulate the Metropolitan Police Courts. He said, that this was the second measure introduced upon the subject. His object was to separate and make distinct the police from the judicial duties of the police courts. Although the former bill comprehended the city, the present did not, but would leave the jurisdiction of the city authorities as they existed at present. The purpose of the bill was to render the metropolitan courts more respectable in every way, and to give them both the appearance and reality of police courts of justice. Her Majesty's council were to have the power of altering the situation, and increasing or diminishing the number of courts, as circumstances might require. He proposed, farther, to extend the jurisdiction of these courts, abolish the separate establishments of constables attending at each court. He proposed, also, to increase the salaries of the judges who were to preside, and to give the Secretary of State the power of superseding any of the present judges whom he might not deem qualified, allowing them retiring pensions, not exceeding two-thirds of their present salaries. By the new arrangements the magistrates should sit every day, from ten in the morning until five in the evening. Power was also to be given to a single magistrate to perform certain duties, which now require the presence of two magistrates. It was also proposed, in order to ensure uniformity of practice in the different courts, that the magistrates should hold quarterly meetings, for the purpose of comparing notes of what had taken place in their respective courts; and power was to be given to the Secretary of State to make rules for the same purpose of ensuring uniformity of practice in those courts. There was another power proposed to be given to magistrates, which might create a little discussion, and, perhaps a little jealousy; at the same time it was one which could not but be attended with great utility in practice. In certain cases a magistrate committed a prisoner for trial; it was proposed to supersede the necessity of a presentment by a grand jury, so that the prisoner might proceed immediately to take his trial, without going before a grand jury. With respect to the civil jurisdiction proposed to be conferred on these courts, it would be the subject of a separate measure. There were some further details into which he would not enter, but would merely move for leave to bring in the bill.

Mr. *Hodgson Hinde* asked whether it was the intention of the Government to bring forward any measure during the present Session for the reform of the corporation of London?

Mr. *F. Maule* answered in the negative.
Leave given.

HOUSE OF LORDS,

Friday, February 22, 1839.

MINUTES.] Bill. Read a first time:—Poor Relief (Ireland).

Petitions presented. By Lord LYNDHURST, from Shepton Mallet, against the Grant to Maynooth College.—By the Marquess of LANSDOWNE, from Landowners in Wiltshire, against any Alteration in the Corn-laws.—By Lord CLONCURRY, from a Parish in Ireland, against Tithes.—By Lord DURHAM, from Hull, and a number of other places, for the Repeal of the Corn-laws.—By the Earl of RIPON, the Earl of HARDWICKE, and Lord YARBOROUGH, from divers places, against the Repeal of the Corn-laws.

OUTRAGES ON THE BRITISH FLAG.] The Earl of *Minto* said, that with reference to the seizure of a pilot on board a British packet at Vera Cruz, a despatch, as he last night stated, had been received from Commodore Douglas, an extract from which, with the permission of the House, he would read. The despatch was dated the 21st of December, and the gallant officer said—" I have received a satisfactory explanation from the Rear-Admiral on the subject of the pilot taken out of a British packet. It was entirely a mistake on the part of the Prince de Joinville, and the Rear-Admiral had made a communication on the subject to the French Government."

Lord *Colchester* inquired whether the explanation or apology was a verbal or a written one?

The Earl of *Minto* said, he had no means of answering that question. The only communication which he had received relative to this transaction, he had read to the House.

Lord *Colchester* said, so far as the statement went, it was satisfactory; but he should be glad to know in what shape the explanation was given.

The Earl of *Minto* said, if the apology were satisfactory to Commodore Douglas, as that gallant officer declared it to be, it surely must also be satisfactory to their Lordships. The Government willingly confided in the discretion of the gallant officer, and he did not think, under these circumstances, that it was the temper of their Lordships to suppose that any thing had been done inconsistent with the honour of the country.

Subject dropped.

ASSASSINATION OF LORD NORBURY.] The Earl of *Roden* was perfectly aware of the great importance of the subject to be brought under the consideration of their Lordships this evening by his noble Friend near him. He, therefore, assured their Lordships, that he did not mean to claim their attention for more than five minutes; but he felt it to be his imperative duty to trespass on the noble Marquess opposite, while he requested an answer to certain questions which he should presently state. He thought, it was unnecessary to go at any length into observations on the state of Ireland, the more especially as it was his intention in a short time, to bring the state of that most unhappy country formally before their Lordships. But he owed it to himself—he owed it to those amongst whom he lived and whom he loved—he owed it to all classes of his fellow subjects in Ireland, to make some inquiries concerning a most interesting and melancholy subject as early as possible. He felt, that he should be guilty of a very great dereliction of his duty were he to allow even one day to pass, after seeing the noble Marquess take his place in that House, without putting a question to him on the subject of the awful circumstance which had lately happened in Ireland, then under the government of the noble Marquess. He should divide his subject into three queries; and he hoped the noble Marquess would feel it to be his duty to give an answer to each of them, and that his answers would be satisfactory to the House. He wished, then, to know, whether any information had been given to her Majesty's Government in Ireland likely to lead to the detection of the murderer of the Earl of Norbury; whether any persons were in custody charged with that crime; and whether the noble Marquess had any reason to expect, that that alarming conspiracy against life and property in Ireland, from which this tragic event, as well as many others similar to it, had emanated, was likely to be discovered and suppressed? He asked these questions of the noble Marquess, because he knew the deep interest which was taken in this country, as well as in Ireland with reference to the state of that part of her Majesty's dominions; and he sincerely hoped, that the noble Marquess would be able to give a satisfactory reply to all of them; because it was no small satisfaction to him, to know, that in all parts of England a very large portion of the community felt most deeply for the unhappy state of his country, and for the cruel persecution which was set on foot against her Majesty's Protestant subjects there. He now asked the noble Marquess those questions, and he trusted, that the noble Marquess would be kind enough to answer him.

The Marquess of *Normanby* said, the noble Earl opposite, when he last night gave notice of his intention to put a question to him, intimated, that he was anxious in doing so, to manifest all courtesy towards him. Undoubtedly on all occasions when Irish affairs had been mentioned in that House, the noble Earl had never, in the slightest degree, given him any occasion to complain of want of courtesy, or of not having given the fullest intimation of his intention. He understood now, that the noble Earl was looking forward to the day when he should be able to bring before their Lordships the motion of which the noble Earl had given notice—which he hoped would not be far distant—and in the *interim* the noble Earl felt it to be his duty to ask these questions. As to the second question of the noble Earl, he was ready, but only so far as his own information went, to give an answer in the affirmative. At the time he left Ireland there were three persons in custody—two from that part of the country, and another who had been arrested in a very remote district, upon suspicion of having been concerned in the murder. He had not heard what progress had been made in the investigation with respect to the share which those persons might have had in that lamentable and mysterious event. He was sure, that the noble Earl and the House would see, that it was impossible, that he should answer the first question—namely, what information there was, or how far it was likely, that means would be supplied for arriving at a just conclusion. With regard to the third question, which he understood to relate to a conspiracy, he had formerly had an opportunity of stating to then oble Earl, that the Government, at the head of which he had lately been, had always been ready to receive, and were most anxious to examine, any evidence tendered to them of the existence of any conspiracy. He was, however, far from admitting, that this deplorable murder had originated in any such conspiracy. [*Hear, hear, from a noble Lord.*] The noble Lord opposite cried hear, hear, but he was only answering, to the best of his ability, the question of the noble Earl. He could assure their Lordships that he looked forward with great anxiety to the time when he should be able to meet the noble Lord opposite with reference to a resolution which had been passed at a meeting at which the noble Lord was present. He should, on this occasion, only say, that any charge contained in that resolution he indignantly repudiated. He challenged a discussion of the subject, and looked forward anxiously to the period when the subject should be regularly introduced.

The Earl of *Roden* did not think that his first query was satisfactorily answered.

The Marquess of *Normanby* said, if the noble Earl had previously stated to him the nature of his question, he might have been able to make further inquiry on the subject. His information at present only extended to the time when he left Ireland. At that period three persons were in custody, but he did not know how the investigation proceeded. He had strong hopes however, that it would be successful in detecting the offenders.

The Earl of *Roden* was extremely sorry to feel himself called on to make one or two observations on what had fallen from the noble Marquess. The noble Marquess said, he did not believe that there existed any such conspiracy. Now, he would ask the noble Marquess whether he had not received information from his own people that a conspiracy, on the riband system, or some other system, or under some other name, had spread itself through Ireland to a very large extent? Whatsoever might be the opinion of the noble Marquess on the subject, or whatsoever he might state with respect to it, he placed greater reliance on the judgment of others. He would, for instance, mention a venerable judge, who was called the other day to preside at the special commission. He had stated positively, that many of the crimes likely to be brought before that special commission were crimes connected with conspiracy. He should also advert to the resolutions sent to the noble Marquess by twenty one magistrates of the county of Westmeath—resolutions which were worthy of the magistrates, and worthy of the serious attention of their Lordships. In those resolutions the magistrates stated their conviction that a conspiracy existed (which included a great part of that county) against Her Majesty's loyal subjects.

The Marquess of *Normanby*: If the noble Earl desired it, he was ready, however inconvenient it might be, to go into the subject then. He was in the hands of the House; but the noble Earl, it should be observed, had only given notice of his intention to ask certain questions.

Lord *Brougham* was of opinion, that a question of so much interest ought not to be introduced in this manner. It was for this reason—it was on account of the paramount importance of the subject—it was because this was a question from which Parliament could not shrink, that the noble Earl opposite, whose motives he respected, should see the propriety of not bringing it forward in this way. It was not fair to his noble Friend near him—it was not fair to the noble Earl himself—to bring such a question forward for consideration in this accidental and incidental manner. Let it be brought forward in a regular and formal shape, and their Lordships would apply to it their grave and serious attention.

The Marquess of *Londonderry*; My noble Friend gave a regular notice yesterday.

Lord *Brougham*: the noble Earl stated that he would ask certain questions, which he has asked, and he has, moreover, spoken twice on this occasion.

The Earl of *Charleville* rose in consequence of the personal allusion that had been made to him by the noble Marquess; and he would tell the noble Marquess that he was happy to meet him face to face, and he received the challenge of the noble Marquess in the same manner in which the noble Marquess had thrown it to him. He should be ready, on the receipt of petitions from his county, to justify the course which he took as a magistrate, and also to justify the resolution which he proposed at the meeting alluded to. He must further say, that he felt greatly surprised when a Minister of the Crown rose upon that bench and brought a charge against him for exercising his right as a British subject to petition the throne.

The Marquess of *Normanby* did not make any charge against the noble Earl, but the noble Earl had made a serious charge against him. All he meant to say was, that he believed the noble Earl had not any well-founded reason for the opinion he entertained on this subject.

The Earl of *Charleville* said, at the proper time he should be prepared to defend his conduct, and to maintain his right to give the advice he had given.

Subject dropped.

The State of the Navy.] Lord *Colchester* said, that in rising pursuant to the notice which he had given to move for certain returns respecting the force of the navy, he must claim from their Lordships more than an usual share of indulgence. The subject was one of vital importance, inasmuch as it referred to the state of our naval defence. His noble Friend (the Earl of Hardwicke), who had originally given notice on this subject, had discharged his notice, and as nobody else had taken it up, he felt it his duty to bring the subject before the House. It would probably be in the recollection of their Lordships, that before the close of the last Session, on the 14th of August, in a discussion that arose as to the commercial relations of this country, a noble Duke (the Duke of Wellington), whom he did not then see in his place, made some remarks, in speaking of the blockade of Mexico, as to the state of the navy, and said, that, in his opinion, it had been reduced too low, and was not sufficient for the protection of her Majesty's subjects. To this the noble Earl at the head of the Admiralty was then reported to have said as follows:—

> "If it, the navy, were not sufficient for the public service, he must take some blame to himself, because he certainly did not feel that there would have been any difficulty in obtaining from the country an increased force if it were necessary. But he had not received information from any one of our naval stations that the force placed there was not perfectly adequate to all the exigencies of the public service; and he could say with entire confidence that no call upon us could be so sudden, that it could not be met with ease, in the equipment of a large and powerful fleet."*

That was the reply of the noble Earl, but such contradictory opinions from such distinguished authorities made a great impression on the public, and particularly on persons connected with the navy. On this subject, accordingly, speeches had been made, letters had appeared in the newspapers, and pamphlets had been published. It had been said, that those who opposed the present system were influenced by party spirit. There had, however, lately appeared two publications from distinguished officers, signed by both, and who were both supporters of her Majesty's Government, in fact, one was a Member of the Government. The first was a letter addressed to a noble Lord, the Secretary for Foreign

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* Hansard, third series, vol. xliv, p. 1203.

Affairs, by a most distinguished officer, long known in his profession, both for his skill as a seaman and his resolution and daring as an officer—known, too, as entertaining the most liberal opinions, as they were now denominated, and who had shown his devotion to those principles by his entering into the service of the Queen of Portugal, where he had gained a signal victory over the fleet of Don Miguel. He need not more distinctly specify Captain Charles Napier. That officer addressed a letter to the Secretary of State for Foreign Affairs, in which he pointed out what he considered to be the very inadequate state of the defences of the country as compared with the naval force which other powers maintained. It showed, that our ships were few, that they were ill manned, and that he considered, that the fleet of Russia was in such a state of preparation, that it might come down to our coasts and destroy our arsenals, and sweep our commerce from the face of the seas. These were not his opinions, but the opinions of the officer from whose letter he quoted. Captain Napier concluded by saying:—

> "Whether you take this in good part or not I cannot tell. I can assure you that I am friendly to the present Ministry, and that I wish to remain so, but being a naval officer, and seeing the danger, I think it my duty to point it out."

Captain Napier also stated, that he addressed his letter to the noble Lord, because he was the Foreign Minister, because he had the honour of his acquaintance, and because he was the best judge on the subject. These opinions from a most distinguished officer, and one friendly to her Majesty's Government, were not published till after they had been addressed privately to the noble Lord, the Secretary of State for the Foreign Department. With regard to the other question, whether our ships were sufficiently armed and manned, he would refer to the opinions of an officer, who was, at the time he wrote, a Member of the Board of Admiralty. He, however, did not know whether he continued to be so. This gallant officer had thought proper to write an answer to the letter of Sir John Barrow. Sir John Barrow had lately published a work which was probably known to their Lordships, but which, though it was not an official defence of the Government, was compiled from official documents, and dated from the Admiralty. In answer to Sir John Barrow's appendix, in which he vindicated the Admiralty, this gallant officer, the hon. Captain Berkeley, said—

> "I avow myself the leader of this clamour. I say leader merely from the situation I hold as one of the Board of Admiralty; and thoroughly am I convinced that my opinions have the support of a very large majority of the very best practical men of every grade in the service."

He then proceeded to say—

> "That there is a scarcity of seamen, and a difficulty to procure men for our peace-established ships, no one who has been employed afloat since the war, or who has really inquired into the subject will deny."

He next said—

> "Men will not enter for ships having masts and yards, anchors and cables, nearly the size of a ship of the line, to be worked by the reduced complement of a small frigate. Men will not go where 275, a large proportion boys, are required to do the work of 350.
>
> "The men call the frigates line-of-battle ships in disguise; nor will the knowing ones enter for them whilst there is another ship to be had."

Having stated the evil that existed, the gallant officer then went on to say how it might be remedied:—

> "How are these evils to be remedied? Complete your ships to what is called their war or proper complements; see that you have sufficient men in every ship of every class to fight her and work her under every possible emergency; make the work properly light; and you will remove the dislike of the service by removing the cause."

Captain Berkeley next proceeded to state the reasons why a great class of seamen, who were most valuable and important men to the service, refused to serve in Her Majesty's ships. It was this,

> "There is an absurd regulation now existing by which from 300 to 400 of the very best men are annually lost to the service. You will not allow men who receive a pension for twenty-one years' good service, to serve in the navy. You force them out of it, by refusing the enjoyment of the pensions whilst they continue to serve."

What was the consequence of this? These men would serve anywhere else—in merchant ships—even in foreign merchant ships—rather than in the Queen's ships. This was no real economy, for the places of these men must be filled by persons of an inferior description. This false economy, therefore deprived us of the services of 300 or 400 good men, and rendered them dissatisfied, for no earthly purpose whatever, He trusted that the noble Earl would consider this subject, for he could not fail to see that the cause of this dissatisfaction ought to be removed. He would only trouble their Lordships with one more extract from Captain Berkeley's pamphlet. It was as follows:—

> "If we are to have a navy, which the world may respect, now is the time to make it perfect. Now is the time to give that conscious superiority to officers and men which will carry them through the hour of trial. Other nations are doing their utmost to improve—have improved—are improving. We cannot improve as long as we continue the system of half-manning and half-arming our ships"

Their Lordships had heard the opinions of two distinguished officers, who had commanded ships in her Majesty's service, and also were friends of the present Government. The one had spoken as to the insufficiency of the number of vessels, and the other as to the manner in which they were armed, and their complements, and surely these two officers were witnesses whose testimony could not be impeached. He might, perhaps, have rested his motion for the returns he intended to move for on this subject, but he must beg the indulgence of their Lordships whilst he made a few further observations. He would, however, at once state what were the returns which he wished to be laid on the table of the House. They were a return of the number of seamen and marines voted by Parliament for the years 1818, 1823, 1828, 1833, and subsequently up to the present time; also the number of ships that were in commission in the same years; also the number of ships stationed on the coasts of Great Britain and Ireland in the same years, and of the seamen and marines employed in that service; of the marines employed on shore; and lastly of the number of seamen engaged in the service of the coast blockade. When those returns were laid before their Lordships, they would be able to judge of the comparative force of our navy in different years: they would then see the difference between the present state of our navy and what it had been, and what it ought to be with reference to the naval establishments of foreign powers. He would then refer back to the state of the navy in former years; and first he would refer to the year 1792, because that period was so far removed from the present time that his remarks would not involve anything personal as to the Members of the present Government. The number of men voted for the service of the navy for that year, was 16,000, and was the smallest number that had been voted since the year of the declaration of the independence of America; and although that was a year of profound peace, yet it was the year antecedent to the most terrible war that this country was ever engaged in; so that the argument of this being a time of peace also was not of any great consideration for neglecting our navy. In the year 1792 the vessels in the home service consisted of eleven guard-ships of the line, four fifth-rate vessels, three sixth-rate vessels, fourteen sloops, and fifteen cutters; and by the same return it appeared that the eleven guard-ships were manned with 3,679 men; and according to the same calculation, the complements of the smaller vessels would be about the same number; so that the whole number employed was about 7,000. Now, by the official navy list for last year, it appeared, that for the same service at present, there were only four guard-ships, one of which only was an efficient ship, two brigs with ten guns, and two cutters, all manned with less than 2,000 men; and, if he added another ship, which was now employed on a foreign station, the number of men might be considered to amount to about 2,500, which was the full extent of the force disposable at present for the home service; but in 1792, when the whole naval force of the country only amounted to 16,000 men, it was thought necessary to have for our home defence 7,000 men; whereas last year, our whole naval force being 35,000, the force on the home station was only 2,500. In 1818, when the war establishment was reduced, and the country had returned to a state of peace, the number of seamen and marines amounted to 23,000; but that was soon after the close of a war in which we had gained many colonies requiring protection, on account of which it was thought necessary to increase the number from what it had been in 1792. We had then about nine vessels of the line as guard-ships, besides many vessels of smaller classes. In 1823, the number was about the same, and so in 1828, although in that year there were one or two attached to particular services. He should have stated, however, that in the year 1818, three vessels of the line were considered sufficient for the foreign service. One was stationed in the Mediterranean, another in the East Indies, and a third at St. Helena. In the year 1828, the establishment was considerably increased; a great revolution had broken out, and the battle of Navarino had taken place; and we had then six sail of the line in the Mediterranean; still seven sail of the line were retained on the home station. In 1831, there was some reduction; and in 1833 the force was very materially reduced in every respect; we had then three ships of the line as guard-ships; two engaged in particular service; and the Mediterranean squadron was reduced to three sail of the line. The reduction which had taken place in our home force, was not only in the number of ships, but the complements of each individual ship were likewise reduced. In 1818, the guard-ships of the line were kept in a condition fit to put to sea at the shortest notice; and in the summer of that year, six ships of the line left Portsmouth for a cruise with all their officers and men, so that they might be exercised in naval tactics, and gain such practical readiness, as to be prepared to engage with an enemy at a moment's warning. In the year 1819, it was considered necessary to raise a force, commonly known as the coast blockade, for the purpose of preventing the smuggling which had been carried on to a great extent on the coast of Kent and Sussex; and in order that the country might not be put to expense, it was resolved, and in his opinion most unfortunately so, to reduce the complements of the guard-ships of the line, so that they were no longer kept in a state of readiness for sea; however, they had everything on board, all their officers, and a skeleton crew, which could in a few days be filled up with men from the service that was so raised, in case it was required. But in 1831, that resource was lost by the coast-blockade being abolished. In that year (1831) another squadron had put to sea, under Sir E. Codrington, but it was soon after broken up; and the ships sent to foreign stations, and in the year 1833, we had only three first-rate ships, having on board about 250 to 300 men each, although their complement was, in time of war, 900. He now came to the state of our home force in the present year, and he begged their Lordships to recollect, that the whole naval force voted by Parliament amounted to 35,000 men. The ships at present stationed on the home service, were the Howe, 120 guns—he did not state the number of men officially, but the returns for which he should move would show whether he was accurate or not—the Howe, 120 guns and 285 men; the Britannia, 120 guns and 285 men; and the Royal Adelaide, 104 guns and 225 men. The total of the force employed on that service, then, consisted of three ships first-rate, with less than 900 men, which was not more than the proper complement for a single ship of that class—one ship of the line of 74 guns and 550 men—one frigate of 36 guns, two brigs of 10 guns, and two cutters—the whole force amounting to something less than 2,000 men, and only one vessel, efficiently manned. He understood that the three-decked ships were not fit to go to sea without being docked; and from their great size, that could only be done at Portsmouth and Plymouth, on two days in each month, because it was necessary that they should take advantage of the highest spring tides; so that it was possible that fourteen days at least might elapse before those two ships could be taken into dock and made ready for sea. With regard to our foreign service, he had already read so many extracts from the evidence of Captain Berkeley, that it was hardly necessary for him to trouble the House further on that subject, except to state, that the particular ships which carried the Admirals' flags at the East Indies, the Cape of Good Hope, and North America, were only 74-gun ships, without anything approaching to their proper complement of men; and yet those three ships had been put forward among the 21 sail of efficient line-of-battle ships with which, as they were told in a publication in defence of the system of the noble Lord opposite, our navy was at present furnished. As to the Cornwallis, that vessel had certainly been put on a better footing; but with respect to the Melville at the Cape of Good Hope, and the Wellesley in the East-Indies, they had put to sea with the complement of fourth-rate vessels, having only about 432 men on board, whilst their due complement was 600 men in the time of war. In that inefficient state they had been sent to sea, and not to any place within reach, but to a distant part of the world. So strictly had that economy been carried out, that the officers who sailed in that vessel had been paid, not according to the rate of the vessel if she had her proper complement, but according to the number of her crew; so that, instead of being paid as officers of a first-rate line-of-battle ship, amongst which number it had been attempted to class her, they were only paid as officers of a fourth-rate ship. Upon whom did this principally fall? Not on the captain only, but upon the petty officers. Their Lordships would not think, that that was holding out any very great encouragement to those persons to enter that service. Now, he wished particularly to see the motives of that economy, because when they found, that the fleet in the Mediterranean was so large and efficient as he believed it to be, it was somewhat surprising, that it was so inefficient elsewhere. He had already shown, that in 1818 and 1819, one ship of the line, two sloops, and one frigate, had been considered sufficient to protect our interests in the Mediterranean; but now we had there nine sail of the line, three frigates, and a large steam-ship But out of the 35,000 men at present voted, there were employed on the north coast of Spain, one vessel of twenty-eight guns, two sloops of war, and a battalion of marines, about 1,000 strong, which did not much look like a time of peace, although that was the reason given for the present condition of the navy. He had compared the present state of our naval force with what it had been in former times of peace. He would now compare it with the force of other powers in the same periods. In the work of Sir J. Barrow, to which he had before alluded, there was a comparative statement of the naval armament of Russia, France, and England. In giving this Sir J. Barrow took occasion to blame the young officer (Captain Craufurd) for being too hasty in his conclusions as to the comparative forces of the three Powers, and blamed him for not having read the work of Captain Jones on the subject. From Sir J. Barrow's account compared with that of Captain Jones, it appeared, that in the year 1823 Russia had forty-two sail of the line and eighteen frigates, and that in 1838 she had fifty sail of the line and twenty-five frigates. There was a positive increase of eight; but the comparative increase was much greater. In 1823 France had fifty-two sail of the line and thirty-two frigates; in 1838, forty-nine sail of the line and sixty frigates. In 1823, England had 138 sail of the line and 146 frigates; and in 1838, ninety sail of the line and ninety-three frigates. In the same interval, therefore, in which Russia had increased eight sail of the line we had decreased forty-eight sail of the line. Besides, the English vessels were much smaller than the French or Russian, all theirs being built for eighty guns, whereas many of ours remained at seventy-four. What he had now stated to their Lordships applied to all the vessels belonging to those countries, and he would next proceed to give a comparative statement of the number of vessels which each of those countries had in commission. England had in commission twenty-one sail of the line, nine frigates, and five steam-ships; and of these twenty-one, three, which were guard-ships, had only about one-third of their proper crew; and three others, permanently stationed abroad, had little more than two thirds of their complement of guns and crew. France had in commission ten sail of the line and sixteen frigates, many of them carrying sixty guns; and these vessels were so distributed near her own coast, that her force might easily in any sudden emergency be concentrated. France had moreover a considerable force, twenty-two, he believed, of armed steam vessels. Russia had in commission forty sail of the line and twenty-four frigates. Moreover, France and Russia, by their mode of manning their navies, could at any hour increase their naval force; because, Russia kept her men constantly embodied, and France, besides the men employed on board the vessels in commission, kept what might be called battalions of men, raised partly from the military conscription, and partly seamen from the "*Inscription Maritime*," who were ready to man their vessels as soon as they were wanted, having been trained, not only to all the duties of soldiers but of seamen in small vessels kept in the ports for that purpose; we, on the contrary, when a ship was to be put in commission, proceeded at first by voluntary enlistment, and consequently a space of about three months might be lost; and he understood, that recently a case had occurred in which seventy-seven days had elapsed between the time when a ship had been put into commission and she was reported ready for sea. Their Lordships would also see, from what he had stated, that the ships which we had in commission were all scattered over the world, and that only four ships of the line had been left to protect our shores at home —very much less than one quarter of the force kept by Russia on her home station. Russia, having twenty-seven sail of the line and some frigates in the Baltic, and thirteen sail of the line in the Black Sea. Such was the statement of the efficiency of our naval force as compared with that of other countries. He must now call the attention of their Lordships to what was likely to happen if there arose any sudden call upon us to enlarge our fleet. He had no desire to say anything derogatory to the policy of any foreign country; and he was willing to give full credit to the Emperor of Russia for prudence and discretion, and to believe, that he would not needlessly give or seek cause of war with us or any other nation; but he only alluded to Russia because that country had a large fleet ready for service within fourteen days sail of our shores: whilst we had to protect them only four sail of the line and one frigate, they being stationed at three different distant ports, and that, therefore, if any sudden cause of war arose, we were not in a situation to meet any attack even from a force much smaller than that of Russia, a situation in which we were placed, not only from the small number of our ships, but the length of time which we required to increase that number. We had, no doubt, other vessels in commission, but they were so scattered up and down as not to be available for immediate service in an emergency. If, then, a sudden call were made for an increase of our naval force, we must, as our complement of men was short, trust to voluntary enlistment or resort to the plan of raising them by impressment, which he was sure their Lordships would not wish to see again adopted, if it were possible to avoid it. But it might be said, that a war could not come on so suddenly as to give no time for preparation; that war was usually preceded by manifestoes and declarations, and that these would afford time for preparation; but if those who took this view of the case would consult history, they would find, that manifestoes and declarations were sometimes accompanied by large fleets, and had been found most effectual when so accompanied, and that war was sometimes commenced without any previous declaration. In the year 1718 the Spanish fleet was destroyed by Sir George Byng in the straits of Messina before a declaration of war. In 1741 Commodore Martin sailed with a fleet into the bay of Naples, and threatened to bombard the city within one hour, if the Neapolitans did not forego their intention of joining their force to that of Spain. The government of Naples remonstrated against so unceremonious a proceeding, but the commodore was resolute and would allow no longer time for deliberation than the hour, and within that time the treaty was signed, by which the Neapolitans agreed to the terms of the British officer. In the year 1801 Sir H. Parker and Nelson passed the sound with a large fleet, before any formal declaration of war, and in a few days destroyed the Danish fleet at Copenhagen. In 1807 that city was again bombarded by a British force before a declaration, and other similar instances might be cited. These would show, that the time for "preparation" was not always given in case of an invasion. One memorable instance of that kind had occurred in this country and at no great distance from our metropolis. In the year 1667 a Dutch fleet sailed up our river, took Sheerness, and burnt our ships in the Medway. It was true, that we were then at war, but negotiations were going on, and a treaty was pending, and the British Government thought, that things were settled, and the Sovereign had not thought it necessary to prepare a fleet for the defence of our shores. That was thought the less necessary, as in the preceding summer, our fleet had beaten that of the Dutch, and captured or destroyed 120 sail of their merchantmen in their own harbours. The historian of that event remarked, "that Charles the 2nd, by an ill-timed frugality, had exposed the country to one of the greatest affronts that it had ever received." But other and more recent instances might be cited in which hostilities had been commenced without any declaration of war. Within the last seven years, a French fleet entered the Tagus, and took possession of the Portuguese fleet there stationed, in order to resent an insult offered to some of the subjects of France; and lately, on a ground similar in some respects, a French fleet attacked and took the fortress of San Juan D'Ulloa. There had been no declaration of war with the Mexicans, and yet those hostilities had been practised; and so it might happen to us if we did not provide a more efficient naval force for the protection of our coast. Without going the length of supposing, that a Russian fleet might attack and burn Sheerness, it could not be denied, that with the fleet which she possessed in the Baltic, she might blockade our coasts. If she did, it would take at the least a month before, with all our exertions, we could get a fleet ready to meet hers; but let their Lordships consider what would be the effect of even one month's blockade of our shores. One would be, that all our homeward-bound merchantmen to these shores would be at the mercy of the blockading force, and besides the loss of property to our merchants, and the capture of those seamen who would be wanted to man our own ships, the expected imports of that month would be lost. The loss which the country would thus sustain might be easily ascertained. From returns made to Parliament, it appeared that the amount of duties on imports in the last year was 23,000,000*l.*, or nearly 2,000,000*l.* per month. Here, then, would a blockading force occasion a loss to us of nearly 2,000,000*l.* of revenue in that time. Our exports in the last year were estimated at 43,000,000*l.*, or about 3,600,000*l.* per month. Here, then, would be a most serious loss to our manufacturers, who would have goods to that amount thrown on their hands, and when they called out so vehemently against the Corn-laws, as depriving them of a vent for their manufactures, how much more loudly ought they to raise their cry against a state of the navy of the country which might lead to such ruinous losses? But it might be said, that in any sudden emergency we might call home the aid of our Mediterranean fleet. Let it be observed, however, that that course would lead to delay, and that it would be several weeks before a fleet at Malta could be recalled to our shores. But, it had been said, "There will be no occasion for ships of war; you may go into the city, and hire at any moment as many steamers as will be sufficient to defend your coasts." Would this be economical? Would you obtain vessels which were to be immediately brought into collision with the enemy, much under their full value? and if they could be so obtained, has it been ascertained whether they are built with timbers of sufficiently strong scantling to bear such guns as it would be necessary to use in steam-boat warfare. He did not think he exceeded the fact when he said, that there could not be found in the port of London ten steam-boats with timbers strong enough for naval warfare. What course ought the Government under the circumstances to pursue? He would say let them recur at least to the system of 1792 and 1818, let them have a home force of ten or eleven sail-of-the-line, let them be armed and equipped with their full complement of guns and men, so as to be fit for service in any emergency. This would, it was true, require an addition of some 6,000 men to our naval force, at a cost of about 400,000*l.* a-year; but though he new the country would not relish additional taxation, yet when the loss by a possible blockade was taken into consideration, he was sure the country would think the 400,000*l.* or 500,000*l.* well bestowed which would guard us against the possibility of such a calamity. Let him suppose, that such a force as eleven sail of the line should not be required for home service, they would give this advantage—that they would always have a ready supply for any deficiency that might be felt on foreign stations. They would also enable the Government to send a fleet on a summer cruise, and thus make officers and men familiar with those evolutions which they could not learn in the cruise of a single ship, and which very many of our captains and lieutenants never saw, and might otherwise have to execute for the first time in the presence of an enemy. Besides this, the appearance of a well-appointed fleet would keep alive the feelings of the country in favour of a naval force. The sailing in a large fleet would also give a great excitement to sailors themselves. He remembered the excitement created by the sailing of a squadron under the command of Admiral Codrington on a summer cruise. Many of their Lordships went down from London to see the fleet, and thousands of the country people came from the adjoining districts to witness the cheering sight of the sailing of a British fleet. It afforded a strong contrast to the now every-day sight of our outports, from which we saw, instead of a ship-of-war, only the departure of some ship laden with convicts for some of our colonies. He had now gone through the chief points which he had intended to press on the attention of their Lordships. He had shown them that our naval force was deficient in the number of vessels and in the complement of men and guns. There were other points—such as those relating to promotion, to retirement, and to particular appointments; but these, though not unworthy of consideration, were unimportant compared with those which he had already noticed. Leaving those to the due consideration of their Lordships, he would conclude by moving for the returns he had before described.

The Earl of *Minto* said, he could assure their Lordships, that he felt great satisfaction in finding at last, that they were to have this matter publicly discussed in the presence of their Lordships, when he should have an opportunity of answering whatever charges had been alleged against the present administration of the navy. From the whole tenor of the noble Lord's address, one would really have imagined, that he (the Earl of Minto) had stood there guilty of having greatly reduced and impaired the naval resources of this country, that the state of our fleet at this moment, instead of being more powerful and more numerous than it had ever been known to be at any former period of peace, had been reduced so low as really to render us unable to provide for the ordinary service of the country. The noble Lord, on a former evening, disclaimed all party motives in this proceeding. He did entirely give him credit for believing, that such was the case; but he must say, that nothing was so difficult as to ascertain what the true motives for one's own conduct were. It was very difficult to trace the workings of one's own mind; but really he would ask noble Lords whether they were quite sure, that no party motive was, unknown to themselves, lurking at the bottom of their acts, when he found, that at a time when we had, he would not say twenty-one sail of the line, because the noble Lord had very justly stated, that two out of that number only ranked as fourth rates; but when with nineteen sail of the line in commission they were told of the weakness of our force, and the danger to which our coasts were exposed, and of the want of due protection against impending invasion from all quarters. In 1835, when our navy was in an extremely different state in point of numbers, he was not aware, that the noble Lord had made those complaints to their Lordships. They heard nothing at that period, of our weakness—a period during which we had the smallest naval force for many years. Before he went into the general statement of the noble Lord he must beg leave to observe, that the whole of the noble Lord's argument seemed to be founded on the great error, that we were to maintain a war establishment in time of peace, that there was to be no distinction between peace and war. The noble Lord commented all along upon our want of preparation against invasion. It was perfectly true, that we were not prepared against invasion. We did not profess to be prepared against invasion; nor did he know a time when this country had, during a state of the most profound peace, thought it necessary to be so prepared. However, the noble Lord seemed to think, that he was too parsimonious, and, that he might have applied to Parliament, which he seemed to think ought to have been done, as in case of need. He confessed that this was not a complaint for which he was prepared—he owned that after all he had heard, the complaint preferred against him was of an opposite nature to that which he had expected. Before, however, he proceeded with the noble Lord's statements, it might, he thought, make the subject more intelligible if he were to mention briefly to their Lordships what was the force which they had now, and how disposed of, and then compare it with the force and the disposition of that force at other times. They had in Commission 19 sail of the line—of these nine were now in the Mediterranean, there being one more than he thought necessary for that station at present detained there on special service. Of the remaining ten ships, one, the Cornwallis, bore the flag of the Commander in Chief in the West Indies, and was not therefore to be included in our disposeable force, but they had nine sail of the line disposeable for the home or any other service where their presence might be required. He admitted they were not now all at home, nor did he see the advantage of having ships disposeable if no use was ever to be made of them. That they were in fact so disposeable, was sufficiently proved last year, when no less than seven British ships of the line were seen upon the coasts of America. These ships were employed in transporting troops from this country to our North American possessions to and from the West Indies, and from one part of our colonies to another. During the time that the ships were so occupied, they formed no part of the home service; that is, if any great Power were at the moment disposed to attack this country, it had no ships for defence, there being, however, at the time, no danger of being attacked by a hostile power. But then the ships having completed that duty, the greater number of them returned to England. Some were at present employed in temporary service on the coast of America, or in the West Indies, and at Lisbon. They had, he repeated, nine sail of the line available for home or other service, besides those permanently stationed abroad, as would appear by the following return, Shewing the Ships of the Line in the Home Ports, at Lisbon, &c., employed as experimental squadron, or otherwise on the Home Stations.

	1835	1836	1837	1838
Flag Ships		3	3	3
In Port..........		2	4	4
Lisbon	1	4	4	2
Experimental.. Squadron		5		

In the spring of 1838, 4 ships of the Line from England and two from the Mediterranean, sailed to America with troops, making with the Cornwallis 7 on the coast of America, early in the summer. 4 returned to England and were available in August; 1 returned to the Mediterranean; 2 remained in North America.

This was a force which had not been exceeded at any former period of time. The noble Lord had said, that when he was at Portsmouth he saw nothing lying at Spithead. That was very possible. Now, he avowed, that he was not very anxious to have ships lying there; but he would tell where they were at present. They had a naval force at Lisbon, and a force upon the northern coasts of Spain, for the last four years. Then there were the three flag ships. In 1836 there were in port two sail of the line; in 1837, four sail of the line; in 1838, seven sail of the line; and at Lisbon, which was considered the home station, two sail of the line—making, in all, nine. In 1836 there was an experimental squadron of five sail of the line. [Lord *Colchester*—Perhaps the noble Lord would say where the experimental force was.] The noble Lord had complained, that they had but eight or nine guard-ships for protection. He asked their Lordships whether it was better to have eight or nine well-equipped, well-manned, well-disciplined ships, or the same number of half-manned, ill-equipped ships lying in port? The noble Lord seemed to think, that nine guard-ships would be a more effectual protection to their coasts—much more ready for any calls, than nine sail of the line ready to go to sea at one day's notice, and all of them within a week or ten days' call. He could tell the noble Lord how matters on this subject stood on the 1st of January and the 1st of July in each year from 1828 to 1839.

Return shewing the number of Ships of the Line on the Coast of England on the 1st January and 1st July of each Year, from 1821 to 1839.

YEAR.	On 1st JANUARY.		TOTAL.	On 1st JULY.		TOTAL.
	Guard Ships.	Others than Guard Ships.		Guard Ships.	Others than Guard Ships.	
1821 ..	8		8	9		9
1822 ..	9		9	9		9
1823 ..	9	1	10	9	2	11
1824 ..	9		9	9		9
1825 ..	10		10	8	1	9
1826 ..	9	1	10	7	1	8
1827 ..	4	1	(1) 5	10		10
1828 ..	9		9	8		8
1829 ..	6		6	7		7
1830 ..	8		8	7		7
1831 ..	9	1	10	7 (2)		7
1832 ..		4	4		2	2
1833 ..		5	5		2	2
1834 ..		3	3			
1835 ..		(3)				
1836 ..	3		3	3	7	10
1837 ..	3	1	4	3	4	7
1838 ..	3	1	4		3	3
1839 ..	3	3	6			

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1. The rest taking troops to Lisbon. 2. Complements completed (summer squadron). 3. Guard ships put on present footing, 19th August, 1835.

In 1828 there were nine guard-ships half-manned ships, and no others whatever. To the presence of these ships in fact, he attached no value whatever, except in so far as the noble Lord seemed to lay peculiar stress upon that point. He considered, that ships were much better at sea than in port; and the result of the comparison, that he had made was this, that during the years from 1821 to 1823, there never were more than ten or twelve ships in commission at all. From 1824 to 1826, there were sixteen ships of the line in commission; in 1827 there were seventeen sail of the line in commission; in 1828, fifteen sail of the line in commission; in 1830, eighteen sail of the line in commission; in 1831, fourteen sail of the line in commission; of all the above a large proportion were guard ships; in 1832, eleven sail of the line in commission; in 1833, eleven sail of the line in commission; in 1834, ten sail of the line in commission; in 1835, eleven sail of the line in commission; and they then came to what was called the decline of the naval force; on the 1st of January, 1836, we had twelve sail of the line in commission; seven more were commissioned in the spring, making nineteen sail of the line in commission for that year; in 1837, there were seventeen ships of the line in commission; and now in addition to the flag ships in India, and at the Cape, they had nineteen sail of the line in commission. At this moment they had the largest fleet they ever had in commission in a time of peace; they had nine ships of the line disposable for any service that might be required. It was not, he assured their Lordships, without very great difficulty that he had been able so much to increase the naval force. For many years past the demand for economy had been so great and so urgent, that he believed it to be next to impossible for any government quite fairly, or freely, to exercise its discretion. When he compared this state of things with the great expenses which they were unable to incur, he wished to throw no blame upon those who had gone before him. The comparison that he made was not intended to cast any odium upon them, but was only instituted for the purposes of his own vindication. They had been upon all hands urged to make reductions; and they too, before now, had heard of a great deal of credit being taken for the savings effected. He found no fault with them for this; but he conceived, that it would be impossible for them to continue longer in that course. In turning, then, in an opposite direction he did not feel it prudent to brag, nor that an unnecessary display should be made of the expenditure incurred, which might not be in accordance with the feelings of the country. What he had sought, and what he had endeavoured to do, was to restore the impoverished forces of the country in this respect. There was an extreme desire to lower the estimates, not only as respected the ships, but also in the dock yards. In 1830, a very short time before his noble Friend opposite quitted the Admiralty, it was resolved, prudentially resolved, to effect a considerable reduction in the establishment of the dockyards; the men at that time were employed five days in the week, and it was intended, in effecting the reduction, that six days' work should be given to those employed. The men were also employed by the task or job work, which was, undoubtedly (for he would give no opinion between the two methods,) the one the most likely to have the most work done. It was the much more productive system of the two, if there were no loss in the materials, or if that loss was counterbalanced by what was gained in labour. An order had been issued for the reduction. It was proceeded with, but not in the mode that had been intended by his noble Friend; for the numbers were reduced to 6,000, and the men were kept at work for five days in the week,and paid by day wages. The effect of the reduction was seriously felt, and it became impossible to answer the demands of the navy. He remembered upon one occasion a difficulty being experienced with respect to cordage, and finding that the strength of the establishment was not sufficient to manufacture more than one half year's consumption of rope, he felt that it had then become absolutely necessary to put their dockyards on a more efficient footing. Measures were taken to relieve the shipwrights from works that were not proper for them. By thus appropriating works to them most proper for executing them, a great quantity of work was obtained and of stores produced; but the demand also increased; because their Lordships must be perfectly aware that the equipment and maintenance of seven sail of the line must cause a very heavy draught upon their establishment. All this had been done; all this had been supplied, and the stores were in an eminently satisfactory state. In addition to the twenty-one sail of the line, he believed there were thirteen demonstration ships, and twenty-five or twenty-six ships in good condition. For all these there were now complete equipments. He heard a doubt implied upon this point by a noble Lord opposite, and he should, therefore, read for the noble Lord the return he had received. There was then at this moment, in addition to the fleet at sea, in store, masts, topmasts, bowsprits, courses and topsails, for upwards of thirty sail of the line, including the demonstration ships. In addition to which there was a very considerable store of spare masts, topmasts, courses and topsails in imperfect sets for ships of the line. With regard to the coast blockading service, he should trouble their Lordships with a very few words, as it was a subject very likely to be alluded to. In 1838 the guard-ships were suppressed, and there was an introduction of a new system for the protection of the revenue. He believed, that the value of the blockade coast service had been overrated. It had been said, that four or seven and twenty hundred of these were available for the navy. A great portion of them had been rated as able-bodied seamen; but he had heard from Sir James Graham, that when it was proposed to take them into the service of the navy there was not more than 800 of them fit for that service. He did not say that they were an unimportant branch for self-defence, but that their importance had been over-rated. With regard to the coast guard, they did not afford (as we understood the noble Lord) the same materials for supplying the navy in a case of emergency. As regarded the interests of the navy the change was certainly not of advantage; but there was a matter very important to be looked to, which was the revenue. It was obvious that a matter of so much importance as that must be taken into consideration. It was contemplated by the Government to make some change in this respect; they had it under consideration whether it would not be possible to find a neutral ground, so as to form a force which might be a portion of the coast blockade, and also available for the naval service. He did not know whether such a plan would be practicable; but although they had no longer a coast guard from which they would have any resource, yet they had a very effectual and useful resource in another way; he meant by placing the ordinaries in commission. A ship in ordinary was formerly taken care of by officers upon half-pay, and the greater portion of the men were so feeble that they were hardly able to take care of themselves, and others were hired without being bound to the service. It occurred to the present Board of Admiralty that this was a very unfit mode of managing the public service. The old men were superannuated, and their places were supplied by active and vigorous men, who were fully fit for general service, and who could be sent to any place that it was most desirable. At this moment there was a body of 1,400 men who could be so employed. This was a resource—he was not saying that it was all that was desirable—but they had in their ports enough of men to complete each of their first rates. They had already sent drafts of men from their ships in ordinary. He wished to draw their Lordships' attention to the votes for seamen at different periods.

	MEN.		
1818–1823 ..	13,000	to 15,000	
1824–1829 ..	20,000	to 21,000	
1830 ..	20,000		
1831 ..	21,000		
1832–1833 ..	18,000		
1834 ..	17,500		
boys	1,000		
	———		18,500
1835 ..	15,500		
boys	2,000		
	———		17,500
1836, &c. ..	20,500		
boys	2,000		
	———		22,500
besides ordinary			2,200
			———
			24,700

He had sufficiently shown that no weight was to be attached to the calculations of a very able and distinguished officer. With regard to its being said that the French had in commission twenty-six ships of the line, he denied it—they had no such number; and, as the noble Lord was understood to say, at the present stage they had only eight. With regard, then, to the Russian fleet, of which a great deal had been said, it must be plain that even the alarmists could have no dread of them at this season of the year. Their Lordships, in the first place, must see that the exercising of the Russian fleet was no new thing; for it had been going on for a long while. It became, however, now the fashion to talk and think of it; but the exhibition was one which had been for many years past, as it was the only means by which Russia was enabled to keep up a fleet. The Russian sailors in winter were under sheds, and there they were drilled. He did not see why, every time that Russia chose to exercise her fleet, England was also to have a large fleet at sea. Was it the business of England to maintain a large war establishment capable of repelling invasion, and, on suspicion of being attacked by Russia, maintain twenty-eight sail of the line? Were they to do this unless there was something between this country and Russia to make them dream that war was likely to ensue? Were they to do this when they had the strongest assurances of the best understanding between the two countries? When, however, instead of disturbance, peace, harmony, and concord prevailed between the two countries, he did not see the ground for this country being called upon to send out eight or ten sail of the line in addition. When the guard-ships were discontinued the system of demonstration ships was very judiciously introduced by Sir James Graham, who, on retiring from office, left a minute recording his opinion, in which I wholly agree with him, that a certain number of ships should always be kept in greater forwardness than the common state of ordinary, and ready to receive their men. These ships had their masts in, the rigging overhead, topmasts pointed, and their whole equipment considerably advanced. That was the manner in which they had them originally; but they were not in that state now, and he should tell them why. It appeared upon the first inspection of these ships, that they were in a much less ready condition than had been expected. The sails were found to be rotten, and the masts unsound; it was, therefore, determined by him, upon having first obtained the best professional opinions on the subject, as the most effectual mode of having them ready for sea, to have the masts taken out and kept stored with the rigging; and he was assured that the utmost delay occasioned by this arrangement would not exceed one week, when it might be necessary to proceed with their equipment. Under the former system, there was more appearance of preparation; but this was fallacious as on the annual visitation by the Board in the autumn of 1835, nearly one-half of the line of-battle ships, lower masts appeared defective and unserviceable, and upon a survey made by order from the Admiralty of the 25th November 1835, there were found of these masts, serviceable 51, unserviceable 47. In reply to the charge of the noble Lord opposite, that he (the Earl of Minto) had indulged in a very injudicious parsimony, he would read to their Lordships a statement of the votes for stores since 1831, in which year a very large vote had been taken.

VOTES TAKEN FOR NAVAL STORES.

1831	£879,992	
1832–3	523,500	
1833–4	492,290	
1834–5	465,090	
1835–6	383,130	
1836–7	424,000	
1837–8	420,000 155,000	575,000
1838–9	593,160	

It thus appeared that the reduction was constant till 1835, when the vote had fallen to 383,000*l.*, whilst the vote taken for 1838 was for 593,000*l.* He did not know that he could give a better answer to the noble Lord's charge of undue parsimony, than the contrast presented in these two years. Reductions had certainly taken place at different periods, but for which he was not responsible, and there was one especially which he had not ceased to regret. He alluded to the great reduction which had been made of our marine artillery. He was not aware of the reasons for this reduction, that what appeared to be good and sufficient reason must have existed, he could not hesitate to believe, because he felt bound to say, that he knew of no case in which any important measure had been adopted by Sir James Graham without full and deliberate consideration. He repeated, however, that he could find no good ground for this reduction which he must regret, affecting as it did perhaps the most valuable branch of our naval service.

Lord *Colchester* inquired when these reductions had taken place?

The Earl of *Minto* replied in 1832. The noble Earl went on to observe, that the noble Lord opposite had also complained of under-manning the navy. Now, if he (the Earl of Minto) was not very much mistaken with respect to the manning of the navy, the complements of the ships were very much what they had been during the greater part of the professional service of the noble Lord. [Lord *Colchester* made some observation to the effect that ships were not the same; the reply to which was inaudible.] The noble Earl observed, that he was not going into that question, but of late years the complement had been considerably increased: and such as they were, they were established by officers of great skill and experience. But another most important change had taken place, and a change for which he (the Earl of Minto) was responsible, and that was an entire revision of the armament of the ships, and this, he believed, was the most important improvement in the naval force for many years past. An entirely new arrangement of the armament had been devised, not rashly, but with due consideration, and under the direction of an officer with whose merits the noble Lord was probably acquainted. That armament was now complete, and the effect of that armament must necessarily be, to require a considerable addition to the complement of the ships; and along with it a new scheme of complements was devised that would be ready as soon as it was possible to procure the order in council necessary to carry it into effect. On this subject he must observe, that it was not just to say of the greater proportion of ships in commission that their complements were smaller, or rather, that they were not larger than they had been at any preceding period, with the exception of the three years from 1831 to 1834. It had also been made a matter of reproach—he was not sure that the noble Lord opposite had alluded to it—but it had been made a matter of reproach, that there were no new ships built, and he wished to trouble their Lordships with a few words upon the subject [Lord *Colchester* observed, that he had not referred to it.] Well, it had been frequently alluded to, and he (the Earl of Minto) was anxious to state to their Lordships, that it had been the system, not only of himself but of his predecessors, to avoid as much as possible launching ships, whilst it could be done without. They were much better preserved on the stocks than in the water, and they were in the former condition quite as available. In consequence of the ruinous state of some of the slips, the launch of certain vessels had now become necessary, which he regretted. He had been disposed to adopt the system of the French, and to keep as large a proportion as possible on the stocks. The French system was this, that while they had a nominal establishment of forty sail of the line, one-half were on the stocks and one-half in the water. It would be as well if this country could adopt something of a similar system, but it would no doubt be a work of time and patience. He begged pardon for having trespassed on their Lordships so long. He hoped he had not omitted any of the topics alluded to by the noble Lord. He wished again to repeat to their Lordships, that he should be anxious at all times to meet the utmost scrutiny into every part of the administration of the department over which he had the honour to preside. He would be most happy to give any information to the noble Lord opposite, or to any other noble Lord, which might enable them to detect, and so enable him (the Earl of Minto) to rectify anything wrong in that department. He must again remind their Lordships, that he had been charged for many months with having brought down the fleet to a state of unparalleled weakness and decay, while there never had been seen in this country the same number of ships in commission at a time of profound peace; while, too, the ordinary were in the best condition—while there were thirteen demonstration ships ready for commission on the shortest notice, and where a larger vote of seamen and stores had been taken than for many years preceding. There was one point with respect to the flag-ships to which the noble Lord had alluded. The practice was to send out admirals in frigates, and it would certainly be much more convenient to the Admiralty if that practice were continued. The admirals, however, with one single exception had desired, and always obtained, ships of the line. They requested to have a third-rate allotted to them instead of a frigate, to be rated, however, as a fourth-rate, and the Admiralty had acquiesced in the wish. There were two instances in which flag-ships had been sent to a distance without their lower deck guns or a full complement of men; but there was no difficulty in supplying either deficiency. The Cornwallis had now her lower-deck guns, and had completed her crew. If the Melville had not done so, there was no reason why she should not. He did not recollect any other topic touched upon by the noble Lord. There would be no objection to the returns which the noble Lord required. There was one point, indeed, with respect to which he felt some reluctance, not for his own sake, but lest it might establish an inconvenient precedent. He trusted, that in giving a return of the disposition of the force at a certain time, as the noble Lord desired, it would be distinctly understood that it should not be drawn into a precedent.

Lord *Colchester* explained, that in asking for a return of the distribution of her Majesty's ships, he did not anticipate any objection to giving it for the years 1818, 1823, 1825, 1828, and 1838.

The Earl of *Minto* said, that the year 1838 was that to which he had objected.

Lord *Colchester* said, he had not anticipated there would be any particular objection to that portion of his return. His reason for asking it was, that the noble Earl had consented to the production of a similar return for the year 1792.

Earl *De Grey* trusted he would be excused, on account of the relation in which he had formerly stood to the naval service, if he now addressed a few words to their Lordships. The noble Earl opposite had remarked, that the amount of men voted for this branch of the military force in 1835 had been the smallest of any year since the peace. He would shortly state the circumstances which had given rise to that proceeding on the part of the Government which then held office. The vote of the preceding year had been one of 26,000 seamen and marines. The noble Earl had remarked, that there had been a great cry in the country for economy in the military establishments, and a reduction of the naval force was then pressed upon Government in every possible way. The noble Earl would admit, that under these circumstances, it was not very likely that a call for an increase of force made by a Government which had just come into office, would have been favourably listened to by the country or granted by Parliament. Whatever course might be most expedient abstractedly considered, it could, not be denied that this was the most practical view of the subject, and that which any Administration would be obliged to take. The reduction of the naval force was not so much real as apparent. When he came to the Admiralty, he found the number of men borne on the books to be about 1,300 less than the number voted. The number fixed upon in preparing the estimate of 1835 was that of men, boys, and marines, actually serving at the time, 25,000. This was the ground on which they had determined to diminish the vote. He would be perfectly frank with the House, and at once say, that that number was a great deal too small, and, short as had been his professional connexion with the service, he felt it deeply and sincerely before he quitted office. He would merely add another word relative to a statement made by the noble Lord who had just sat down, that on the 1st of January, 1835, there were no guard-ships in the ports. Now, the Government with which he (Earl De Grey) was connected came in at the end of 1834, and he himself took his seat at the Board of Admiralty on the 31st of December. Whatever fault there might be on this score, none could be attributed to that Administration.

Viscount *Melville* said, that knowing the importance of the subject, the sensation it had created throughout the country, and the observations made respecting it both within and without the walls of Parliament, he should not be justified in his own mind, if he abstained from stating what occurred to him respecting it. He would commence by saying, that he thought it unjust to blame his noble Friend opposite personally for any deficiency in the present amount of the naval force. In matters of expense, speaking from his own knowledge during the time when he himself had held office, it used to be the Government, rather than the department, that had the power of regulation. With these, the First Lord of the Treasury, rather than the First Lord of the Admiralty, was concerned. If the First Lord of the Admiralty had had it in his power to fix on the amount to be voted in the navy estimates, it would generally have been very different from that which Parliament actually granted. Therefore, it was unfair to blame his noble Friend for undue parsimony, except as a Member of the Administration. There were some points, however, on which he did not think his noble Friend, at the head of the Admiralty, had given a satisfactory explanation. The noble Earl had understood his noble Friend near him as making a charge against him on account of the deficiency of force. His noble Friend made no charge, but he complained that our coasts were not sufficiently protected. In that opinion, he (Viscount Melville) certainly did concur, and he thought, that in deviating from the well-advised course which Government had for a century past pursued, of keeping the sea-coasts of the empire in a secure state of defence, the present Administration had incurred a serious amount of blame. He must say, that at no period for a century past had the navy been in so reduced a state as regarded the force maintained on the home station. The noble Earl opposite said, that the amount of the navy was larger at present than it had ever before been in time of peace. That was his proposition, and in that he was fully borne out, but that was not the important question. The question related to the distribution of the forces, and the charge against Government was, that too large a proportion was stationed abroad, while our own shores were wholly unguarded. Now, even if there were no more cogent reason for adhering to the former system, he thought that Government, from a wish to consult the feelings of the people, who had always been accustomed to see the coasts properly guarded, should be very cautious in departing from that policy. He had not exactly followed his noble Friend's account of the distribution of the naval force, nor did he know how it was made out, but, if he rightly understood his noble Friend, there was at present but one disposable and efficient ship in the ports of the kingdom. Now, he would only say, that having been himself called on at the end of the year 1826, at an hour's notice, to provide a sufficient number of ships to convey a considerable body of troops to Portugal, a squadron of line-of-battle ships was instantly in readiness, which transported the infantry to Lisbon in a few days. The cavalry and artillery were conveyed in transports adapted to that particular purpose, and were a few days later. He asked his noble Friend, if he could send out such a force now, in a few days or a few weeks?

The Earl of *Minto*. Oh, yes!

Viscount *Melville* doubted his noble Friend's ability to do that, except he regarded the Mediterranean squadron as disposable.

The Earl of *Minto*. No, but I consider that the ships stationed at Lisbon might be available for such a purpose.

Viscount *Melville* was not aware that it would be possible for his noble Friend now to provide a sufficient force in such a short time as had been allowed to himself. His noble Friend seemed to consider that ships on a foreign station rendered more effectual service to her Majesty than if they were lying idle in harbour at home, and he entirely agreed with him; but if, in the present aspect of affairs, Government felt called on to keep a larger force than was usual in the Mediterranean, or on any other foreign station, they ought not on that account to diminish the amount retained at home. If they could not distribute their existing force so as to keep an adequate amount at home, while they had squadrons of sufficient magnitude on every foreign station, they ought to apply to Parliament for an augmentation of the vote. He thought, his noble Friend behind him had overrated the number of men, that would be required to man an additional number of guard ships, and the expense of maintaining them. In his opinion, 2,000 more would suffice to man these ships on the scale allowed for guard ships, and 100,000*l.* would probably be the outside of the expense. An hon. and gallant Officer, who was, a few days ago, a Member of the Board of Admiralty, had stated in a pamphlet published by him his views as to the system that should be adopted in manning the ships of the navy, and, with one or two exceptions, he entirely concurred in them. He thought, his hon. Friend had made out a case, well deserving the attention of the noble Earl, and the Government, though he might just observe, that he hoped the practice of writing pamphlets in this way would not become universal. On this subject, although one of his most esteemed and respected friends had been a party, he considered, that the observations which had been made would have been better addressed to friends and superiors within the Board, than to persons who were not among its members. Much had been said regarding the Russian fleet. He would not enter into the considerations that might induce Government to keep a large force in the Mediterranean. It might be on account of the fleet maintained by Russia in the Black Sea. That power, as had been remarked by his noble Friend, had kept a large force in the Black Sea for many years, which had disturbed nobody. He was not aware of any political reason now existing why a larger force should be kept up in the Mediterranean than they had been accustomed to maintain there. At the same time, that was a subject for the consideration of Government, on which he would not detain their Lordships. He would dwell on the alarms that had been raised of an attack by a Russian fleet on our seaports. The state of our relations with that empire, and of its navy must be fully known to Government, and it was impossible, that in the event of there being any such danger as that alluded to they should not take the necessary steps to augment the navy of this country. His noble Friend behind him had adverted to certain statements in the pamphlets he had mentioned as to the decrease of able seamen. They might depend upon it, that it was absolutely incumbent on Government to keep up a much larger force in time of peace than they had formerly been used to do. The hon. and gallant Officer he had alluded to stated, that there was a falling off in the quality of the seamen, that the number of thorough bred seamen in the service was far less than formerly. One cause of this was to be found in the decline of the coasting trade, which was almost entirely gone, considered as a source of the supply of seamen. That was now chiefly carried on by steam-vessels; the only important branch of it from which a supplyof seamen could be obtained was the coal trade. This circumstance, therefore, made it still more necessary to keep up a large peace establishment, and both the Parliament which voted, and the people who paid, the money, must recollect, that unless that was done, they could not have a really efficient navy. He did not say, that a navy equal to a war establishment should be maintained during peace, but that a greater number of seamen was required, for, let them be assured, recruiting on any sudden emergency would not be found so easy as it had been. An account of the trade and navigation of the country lately laid before Parliament, which he had looked at to-day, confirmed the views he had taken the liberty of expressing. The first branch of the account stated the number of vessels employed in the foreign trade of the United Kingdom; the next, that of vessels engaged in the coasting trade. In the year ending the 5th of January, 1838, it appeared, that there were entered inwards in the foreign trade of the United Kingdom 18,113 ships giving a total of 3,215,819 tons; in the year ending the 5th of January, 1839, 19,639 ships of 3,501,254 tons. There were cleared outwards last year 15,526 ships of 2,578,918 tons; this year 17,204 ships of 2,916,302 tons. In the coasting trade of the United Kingdom there were entered inwards last year 128,011 ships, of 10,409,370 tons; this year, 128,171 ships, of 10,491,752 tons. There were cleared outwards last year 138,790 ships, of 10,901,187 tons; this year, 137,803 ships of 10,825,523 tons. Thus it appeared, that the coasting trade was looking downwards, while on the other hand the foreign trade was increasing. He mentioned this to show, that steam navigation though very much cried up, and a very great convenience in many respects, was productive of most unfortunate effects, as regarded the maintenance of a nursery of seamen in the coasting trade. How far these effects might be counterbalanced by employing a greater number of men in the navy, during peace, he would not pretend to say, but it was clear, that the country must lay its account in keeping up a larger peace establishment. The same pamphlet to which he had alluded stated, that our ships were at present undermanned. It was true, that a difference had hitherto been made between the war complement and peace complement of a ship; but there could be no doubt, that the ships now built required larger complements. The present system, it was said, had caused great discontent among the crews, and diminished their activity and efficiency. He rejoiced to hear from his noble Friend, that this subject was now under revision, and he hoped the complements would be increased on such a scale as would be satisfactory to the navy and their Lordships. There was another point adverted to by the noble Earl and his noble Friend behind him, on which he wished to say a word. He alluded to the regulation passed by the Board of Admiralty, soon after the peace, for preventing seamen from serving, while they received a pension. Soon after the close of the war, a great many men were discharged on pension. The object which the Admiralty proposed by this step was to have as many men as possible, not only on board, but available for service at any time when they might be required, It was very obvious that no more expense would be incurred by paying a pensioner than another man; but when the regulation was made, at the close of the war, circumstances were very different from those which now presented themselves. They wished then to secure a large force of able seamen; but it was said that these had now much declined in number, and it might, therefore, be expedient to repeal the regulation. We had thus two good men instead of one, and at no additional expense. It was very probable that the number of able seamen whom you would now be able to obtain would be too small. If that were the case, it would be a good reason for rescinding the regulation; but if the same thing were to do over again under the same circumstances, he should have no hesitation whatever in doing it. His noble friend had also alluded to the subject of the coast blockade, and had expressed his regret that it had not been retained on its old footing. He hoped that after that expression of regret, his noble friend would take measures to restore that force once more to the navy. The history of that force was shortly this:—At the close of the war a guard ship had been stationed in the Downs. One reason for its being stationed there was the protection of the revenue in the narrow seas in that quarter. A very able officer, who was in command of it, Captain M'Culloch, thought that, instead of keeping his men night and day in his boats watching for smugglers, it would be better to land them in detachments on the coast. He accordingly did so land them, and stationed them in different parties all along the coast, from Walmer castle up to Sandwich. Severe conflicts took place in consequence between the seamen and the smugglers on the latter attempting to land their cargoes, but the seamen invariably got the better. The system answered so well that it was extended to all the coast of Kent and Sussex, from Sheerness round by the North and South Forelands to Newhaven, in Sussex. Two guard ships were stationed on the coast, one in the Downs and the other at Newhaven. His noble Friend had said, and had said truly, that although all the men in the coast blockade were not able seamen, still there was also an available naval force. You could take 400 or 500 men from it at any time of emergency; and he had himself draughted 500 men from it at the time it was deemed necessary to send an expedition with all despatch to Lisbon. He hoped from what had fallen that evening from his noble Friend, that measures would be taken to restore that branch of the public service, and to give the navy the benefit of it in cases of emergency. The only other topic to which his noble Friend had alluded, and that too incidentally, was one of paramount importance in his opinion. His noble Friend had talked of the system now adopted in our dockyards, and of the mode of carrying on the work there. He (Lord Melville) was not standing there either to censure or to praise any person or any government, merely because they had not employed those who were his (Lord Melville's) political Friends or opponents. But he should be wanting in the duty which he owed to himself and to the country, if he refrained from stating his honest conviction on this subject, let the blame fall where it might. The practice years ago had been to employ the men in the dockyards by piece-work. Whilst he (Lord Melville) was at the Admiralty, it was the constant endeavour of both the Admiralty and the Navy Board to keep up that system, and to apply it to every branch of the dockyards. Indeed, the object of the surveyor of the dockyards had been to establish prices for every piece of work which it might become necessary to have performed. There was not a single ship-builder in the country who employed men at a day's wages; all the work of private yards was done by the piece and task work. For some reason or other, which he did not comprehend, that system had been put an end to in the public dockyards about seven or eight years ago. He believed that it had already been found to have been an unprofitable change, and that his noble Friend, unless he restored the system of task and job work, would discover that he would not be able to fit out a fleet immediately in case of emergency. Besides, the men themselves in the dockyards were not at all satisfied with the present system. A most useful and meritorious servant, the present surveyor of the navy, had been appointed to the situation without having been brought up in the dock-yards. He was, therefore, not aware of the system which had long been established there. He could not, therefore properly superintend the financial department of the dockyards, which was, indeed, a most important department. He believed, that he had sufficient authority for saying, that the men would not perform at day's wages the same work in a given time as they did perform when they were paid differently. Besides, the whole system at present established he could not for his life understand. The practice had been to employ so many men for so many days in the week; and he would tell their Lordships why he had established that practice. At the close of the war we had more shipwrights in the dockyards than we could well employ. He was anxious not to dismiss them, because he knew that shipwrights were not, like common joiners or carpenters, to be procured every day. He, therefore, determined to keep them all in employment, and to look for a reduction of them to their dying off, or to their voluntary retirement. He had, therefore, fallen on several devices to keep them all in employment. One of these devices was to employ them only five days a-week, and another was to employ them as common labourers in other departments of the dockyards, and the men readily submitted to these privations rather than relinquish their situations altogether in the yards. He thought that the system of keeping up even more shipwrights than we absolutely wanted, in time of peace, was better than the system of keeping up only such as were wanted at day's wages. He had not kept up any mere joiner or carpenter, for those he knew that he could get from the country at any time that he wanted them. But it was not so with respect to shipwrights, for that was a distinct business. His system, however had been abandoned; the men were put upon day's wages, and the quantity of work now done in a given time was less than it was formerly. He thought that, if the Admiralty were to return to the former practice, they would not only get more work done for the same money, but would also give encouragement, which was much wanted, to the labourers themselves. He begged to apologise to their Lordships for intruding upon their attention at such length, but he hoped that they would excuse him, on account of the interest which he took in every department of the naval service.

The Earl of *Minto* rose for the purpose of setting his noble Friend right upon a subject on which he had misunderstood him. In speaking of the change of armament, his noble Friend had understood him to say that it was under the consideration of the Admiralty at present. Now, the change had been made already; and it would make an addition to the war complement, and therefore a corresponding addition to the peace complement, necessary. He had also said, that he had a large disposable force at home, and his noble Friend seemed to question that point. He admitted, that whilst vessels were employed on foreign service, they could not be considered as a disposable force at home, any more than they could on the occasion when his noble Friend had sent off his disposable force at home to Lisbon. At present, there were, besides the ships at home, two sail of the line at Lisbon, and two others on temporary service, which could be recalled at a very short notice.

The Earl of *Hardwicke* expressed his satisfaction, that the noble Lord behind him (Lord Colchester) had taken up the subject in consequence of his having withdrawn the motion of which he had formerly given notice; for he felt convinced, that the noble Lord had executed the task better than he could have executed it. He, therefore, felt no jealousy, that the noble Lord had stolen a march upon him, but was glad, that he had brought the matter before the House with so much temper and ability. He was not one of those who thought it necessary, that because Russia had a fleet of forty sail, and because France had a fleet of such and such an extent at sea, that we were also bound to have an equally large armament ready for sea in our ports. Neither was he one of those who thought it necessary, that our ships should be as fully manned in time of peace, as they were in time of war; but he was one of those who thought, that whatever force we might deem it necessary to send into the Baltic, the Mediterranean, or the Black Sea, it was highly important, that we should have a reserve force at home in our ports, and that such force ought not to be abandoned. The subject had been so fully discussed on the part of his noble Friend behind him, that he felt it to be quite unnecessary, for him to offer any reply to the observations which had fallen from the noble Lord, at the head of the Admiralty, respecting the force which we had at this moment at sea. He would, however, venture to trespass for a very few minutes on the indulgence of the House, whilst he made some remarks on a part of our force to which his noble Friend had made several allusions which still remained without a reply from the noble Earl opposite. He wished, in the first place, to call the attention of their Lordships to the state of our naval equipment in the year 1826—a year which he had selected, because our navy estimates were not then framed upon the turn of an administration, or with any view to party or political purposes—because it was a period before we commenced that reduction of our guard ships, which had arisen from a desire on the part of the country to reduce its establishments, and from what he must call a false spirit of economy, rather than from any fault or deliberate design on the part of the Ministry. The subject was now forced upon the attention of their Lordships; and from this time forward it would be necessary for the First Lord of the Admiralty to set seriously and actively to work to restore matters to a condition really efficient. It had been his intention to introduce this subject last year to the notice of their Lordships; but he had been induced to forego his intention, partly by his knowledge of the wretched and unprovided state of our dockyards at that time, and partly by his knowledge of the negotiations which we were then carrying on with Turkey for the formation of a treaty, of which Russia was not unnaturally jealous. He thought, that if the subject were then brought formally under the consideration of their Lordships, it might influence these negotiations injuriously, and enable Russia to carry matters with a higher hand than she would otherwise venture to do. He believed, that from that period down to the present time, the noble Earl opposite had exerted himself most strenuously to bring back the state of our reserves to an efficient condition. He likewise believed, that after all the noble Earl's efforts, the state of our reserves was at present much lower than he wished it permanently to be. How the noble Earl had got the returns which he had that day read to the House, was to him indeed astonishing. Not that he suspected the noble Earl of having stated anything which he knew to be untrue—far from it: still, he could not conceal his opinion, that either some magic wand must have suddenly increased the stores in our dock-yards, or else that the noble Earl was grossly and enormously deceived. But to return from this digression. He meant to describe the state of our naval equipments in the year 1826. There were then in ordinary, ships in every one of our ports. At Plymouth, there were twenty sail of the line and eighteen frigates in ordinary. All these vessels had an entire equipment in the storehouse of the dock-yards, an appropriation of perfect equipment for twenty sail of the line, and eighteen frigates having been set aside when they were first taken into ordinary. The same system prevailed at each of our other ports. When any ship was repaired, and in good condition. an appropriation of equipments was made for her. That system by degrees was let down, for no one who knew anything of our ports could help seeing, that the ordinary soon became a dismasted ordinary. The noble Earl had asserted, that he now had thirteen demonstration ships all ready for sea. He (the Earl of Hardwicke) knew, that a similar assertion had been made also by Sir John Barrow in his pamphlet. In defending the system now adopted by the Admiralty, Sir John Barrow said, that we had 21 sail of the line perfectly equipped, and 30 more in complete readiness for sea. I am not going to quote the noble Earl, but a very great authority—an officer of the board, who has had great experience, and who, in addition to his experience, has had the means of consulting every document in possession of the Admiralty. The statement which that officer makes, after inspecting all the official documents is as follows:—"Whenever the necessity for it shall actually exist, of which the Government may be presumed the best judge, let Parliament vote 50,000 men and the Admiralty will find no difficulty in adding 30 sail of the line, of as fine ships as any in the world, to the 21 already in commission; for which additional 30, masts, sails, yards, and every necessary article of gear, are in complete readiness in our (neglected) dockyards; and it can hardly be doubted that those persons, so clamorous for war, will be among the first cheerfully to submit to a war-tax in time of peace." The words were "in complete readiness." Now let their Lordships see how stood the facts. At Portsmouth, on January 28, 1839, no very long time ago, there were four demonstration-ships; and he supposed that they were all demonstrative of very great power. There had been at that port five demonstration-ships. Of these the Ganges was one. He would take the case of that ship first. She was ordered to be put in commission. Of course she was in complete readiness for sea. Was she? First of all it was discovered that the Ganges wanted caulking. That was easily done, but then it was discovered, that it would be necessary to take her into dock to clean her bottom. Then it was found out that she wanted new coppering, but that could not be done in a day; and somehow or other it happened that she was not in readiness to go to sea till two months had elapsed from the time of her being commissioned. She had, however, gone to sea, and therefore four only were then left at Portsmouth, for which of course, a complete equipment was ready. One of these was the Revenge. Now, the Revenge had no foremast. It was not hooped, and the iron for the hooping was not ready. The mainmast also was not finished. That knocked off two ships at once. The other ships were stated to be ready for sea, and for aught he knew they might be so, but if he was to take the Ganges as a sample to judge by, he should very much doubt it. At Plymouth they had five demonstration ships—the Caledonia, the Impregnable, the Belleisle, the Agincourt, and the Implacable. Would their Lordships believe, that there was not, at this moment, at that port a single line-of-battle ship ready for sea? There was not a suit of sails complete for a ship of the line at that port. Why were not these ships in complete readiness for sea? If asked in what they were not complete, he was prepared with the statement. There was no foretop sail, no maintop sail, and only one mizentop sail, yet these were sails without which no ship could put to sea. You had all the small sails right, but as for the topsails and courses, jibs and drivers, they were all of them missing. But then the masts were ready, a year ago there were none ready. He admitted, that the noble Earl had worked hard during the last year. In that time he had made sixteen masts. Yes, sixteen masts, all new. Passing from the demonstration ships to the thirty sail of the line, which it had been declared were in a perfect state of readiness, he could only say, that at Portsmouth there were no topsail yards, no top-gallant yards ready, and a great deficiency of stores. As he stated, there were tops in store for a first-rate complete, and for one-third rate complete; there were in store, rigging for two first-rates, two second-rates, one third-rate, and two frigates at Portsmouth; but there was neither a gun, gear, fitting, nor anything to mount a cannon, except the carriage and guns of the ordnance. There was not a suit of sails for a second-rate beyond the demonstration ships; not a single suit of sails for a frigate, not a single suit of sails for a sloop or a brig in Portsmouth dock-yard. There were two suits of sails for a first-rate, one for a third-rate, and another making for the Dublin. It would be as much as he could do, if the noble Earl could fit out seven sail of the line at those two ports. At Plymouth, there was not a complete suit of sails in store for a sloop or a brig, except the Acorn in commission. He was afraid he had confused their Lordships by going into these details, for his returns were not, unfortunately, very clearly made out. He did not wish to go further into the general question at present. He had shown, however, that the state of the case, even with respect to the demonstration ships, was not true. His returns were dated Plymouth, 1st of Feb., and Portsmouth, 28th of Jan.; between those dates and those of the noble Earl's papers it was just possible that alterations might have been made in the state of the dock-yards. Great exertions, no doubt, had been made within the last year, and it was equally certain that what had caused those very great exertions was the notice which the public at last had taken of the matter out of doors. He would not trouble their Lordships with any further observations, because he feared, that a strictly professional subject might be disagreeable to their Lordships. He hoped he had said enough to prove that the noble Lord's force was not so disposed as to be of the least service for the defence of the country in case of any sudden emergency, that his demonstration ships were demonstrative only of weakness, and that the thirty sail of the line, which, it was boasted, were perfectly ready, as to all sorts of equipment, could not be got ready in less than three months.

The Earl of *Ripon* did not mean to trouble their Lordships with many observations; he should confine his remarks to one single point which had been adverted to; he meant the alteration which, during the last few years, had been made in the system of protecting the revenue by the substitution of the coast guard. The effect of that alteration was certainly to take immediately from the control of the Admiralty a body of seamen whose services were in every respect of the most valuable character: but there were good reasons why his right hon. Friend, then First Lord of the Admiralty, had adopted the measure, and it was but fair to Sir James Graham and his colleagues, who concurred in the change, that he should state the grounds on which it had taken place. In the first place, it certainly was represented by persons exceedingly competent to form an opinion on such a matter, that as an efficient security against the illicit introduction of foreign goods, the former system had by no means worked so satisfactorily as was originally anticipated; and although it was true, that the number of men now under command of the officer at whose disposition the force was placed might have been rendered available in an emergency to many ships which were suddenly to be fitted out, yet it was perfectly clear, that whenever such emergency did arise, the protection of the revenue must be sacrificed, and great mischief must be the result. It was accordingly suggested, that it would be better and more economical to adopt the system of what was called the coast-guard. But there were other circumstances at the time of great importance, which, with a view to the good of the naval service, operated on the minds of the Government in inducing them to make the change. It afforded an opportunity, which he thought was very properly taken an advantage of, for offering very great inducements which the service did not before possess, to volunteers to enlist into the navy. It should be recollected, that the important and delicate subject of impressment was at the time attracting a very great deal of attention, and although the Government did then, as he hoped every Government would, feel it indispensable to maintain the right, and if necessary, to exercise the power, of impressment, because if that were abandoned the downfall of the navy must of necessity soon follow; yet every consideration of prudence and policy combined to point out the advantage without resorting to that extreme measure of furnishing inducements to volunteers to enter the navy. The plan proposed therefore was this, that the whole of the persons to be appointed to the coast-guard, instead of being under the Treasury or Board of Customs, should be handed over to the Board of Admiralty, and that every person employed, whether officers or seamen, should be naval men, taken either from the half-pay list of officers or from the seamen on board ship. It was arranged, that each captain on going to sea should note the conduct of every individual in his ship, in order that out of those who had served three years, and whose conduct was most remarkable for steadiness, sobriety, and trustworthy qualities, the coast-guard should be composed. The situation, both as regarded officers and men, was very desirable. They had many comforts and conveniences connected likewise, he would admit, with occasionally very arduous duties, and not always free from the casualty of loss of life, but still there were many inducements to make the situation desirable. It was believed, that offering that inducement to young men after a limited service, would cause them the more readily to enter. It was well known, that the temptations held out in the merchant service were very great. A large portion of the American Commercial Marine was, composed of British seamen—possibly the same thing had taken place to a certain extent in other countries, but still it was notorious that in their merchant service and in that of America, very great inducements were offered to gallant young sailors in the service of the Crown to quit it and enter into the merchant service. The plan had, therefore, been founded on very good principles. How far it might have induced persons to enter he was not prepared to say. The same principle had been urged over and over again as regarded the army, with the view of inducing a superior class of men to enlist, rather than sweeping the streets and highways. These were the grounds which had induced Sir James Graham to bring forward the proposition. He believed there were about 1,000 persons employed in the coast-guard, who of course were just as available upon any emergency as under the former system. It had been said, that the system was calculated to abstract some of the best men from the service, but after all, the total number in any one year had not exceeded 200, and that could by no means be considered a large number. One great benefit, at all events would be derived from this debate. It had been admitted on all hands, that mere economy would ruin the Navy. This spirit of parsimony, indeed, had operated for many years past, and naturally enough, no person could be surprised at it, but the effects had been most pernicious; for it had forced upon Government the necessity of "paring down" to the very quick. His noble Friend had said, indeed, that he had fallen upon happier times, and that larger aids were granted to him than to preceding Governments. He congratulated his noble Friend on the improvement, but the remarkable thing was, that his noble Friend and those with whom he acted, were opposed by those who always considered it to be their duty to support him whenever the interests of the country required it.

The Earl of *Minto* wished to explain one or two points, with respect to the Revenge; he said, that ship was among those which had been returned to him as complete in all respects. It often happened, however, that when a mast was wanted, one was taken from a demonstration ship, which was subsequently supplied from the Dock-yards; and as the Revenge was a demonstration ship, this might have caused the temporary absence of a mast in that vessel. Then, as to sails, he could not find in the returns any signs of the deficiency which had been complained of.

The Earl of *Hardwicke:* there is not in Plymouth Dock-yard, a complete set of sails for a man-of-war.

The Earl of *Minto:* unless the returns were false (which he could not suppose), that could not be the case. And he must candidly say, that he did not place so much reliance on the statements of noble Lords as on the returns.

The Earl of *Hardwicke* retained his conviction of the correctness of the statements he had made; he did not know when the returns to which the noble Lord had alluded were dated.

The Earl of *Minto*—Previously to your information.

The Earl of *Hardwicke*—Then I believe them to be false.

Viscount *Melbourne*. My Lords, I do not rise to enter into the discussion which has been pursued with so much minuteness. I will, however, say a very few words on the general principles by which the conduct of Government ought to be guided, on questions of this nature—questions of the very highest and deepest importance. My Lords, I think there was perfect truth in what was stated by a noble Lord, who, for so many years, filled the office of First Lord of the Admiralty—that naval affairs were not questions of a mere pecuniary nature—but that they are questions for the Government which upon its responsibility ought to weigh and decide them. And, my Lords, it is on our responsibility that we have proposed the naval estimates, and directed the First Lord of the Admiralty to make that distribution and disposition of the naval force which has been made. My Lords, it is my opinion that during peace it is wise to reduce the establishments of the country as low as is compatible with the safety of the country and the duties which are to be discharged. And I was happy to hear it said by a noble Lord, in the debate, that he did not conceive it wise to look through the ports of Europe, and keep up as strong a force as would be required to meet any sudden attack from a foreign fleet. My Lords, what is that but war? It is depriving the country of the advantages of peace, and incurring the evils of war, especially that greatest of all the evils arising from war, the exhaustion of the national resources. But while reducing the naval establishments of a country in time of peace, it is wise in my opinion to take care that the vessels be all ready to be equipped; that foreign vessels gain no superiority over us in seamanship, in machinery, &c., and that we secure the benefit of all new discoveries in the carrying on of warfare. My Lords, it has been said, that we employ our vessels on distant services, at Mexico, for instance, and leave our own shores unguarded. But, my Lords, if we are to have a reduced establishment in peace, we must employ our naval force where our interests require its aid and protection; some places must be left unprovided, but the question is whether it be not for the public interest that they should be left unguarded, whether it be not consistent with the public safety that they be left so unguarded. The noble Lord who brought forward this question made a great many very judicious and unquestionably very able remarks. He stated the difficulty we should have in manning ships on a sudden outbreak, and the difficulty of meeting any emergency. That is nothing new; I am old enough to have conversed with Statesmen of other times, I might almost say, and I never heard of any other doctrine than that this country was always slow in commencing war; that our wars are marked with tardiness and error, and often want of success. I remember the Duke of Richmond, Master-General of the Ordnance telling me that his great reason for being unwilling to try an experiment of peace with the great republic of France was this "If you make peace the form of your constitution and the feelings of the people force you to disarm more rapidly than any other nation in Europe, and you have more difficulties in arming again. The present then is the old difficulty under which this country has always laboured; it is a difficulty illustrated by the whole history of the last century—and I do distinctly admit, that it is a difficulty which requires to be considered, and which we should attempt by every means to meet and obviate. Because we have got over former dangers, it will not do to trust to good fortune at all times, which though it may formerly have relieved us from circumstances of very great peril, and very great danger, must be deserved by care and vigilance. The noble Lord has spoken very much of that which has engaged a great deal of the attention of this country during the last year, although, as my noble Friend said, the public attention was excited to it many years before, and that is the Russian fleet in the Baltic, Surely this is not a question for the Admiralty—this is a very great question of policy. I have no doubt whatever of the pacific intentions of Russia—I have no expectation whatever of any hostility from that quarter. I have a perfect reliance on the frank and loyal character of that Sovereign; while at the same time I readily admit, that it is not safe to rely entirely upon the moderation of that or any other power; but it is prudent and necessary to have a sufficient force to provide for our own security. But, my Lords, at the same time the security which the noble Lord proposes is not an effective security. Having 8, 9, or 10 sail of the line, some here, some there, is no security against that fleet, supposing it was actuated by hostile intentions and design. If we were apprehensive of enmity and hostility from that quarter, it would be absolutely necessary that we should put a much larger force in commission—incur a much larger expense—and make a much greater exertion than that which has been stated by the noble Lord. The noble Lord says very truly, that we must not always wait for—that we cannot always expect manifestos—nor always rely on declarations of war being given—and the noble Lord cited instances in which hostilities had commenced, and violence been committed without any such declaration of war. Certainly it is true, that we are not to rely on manifestos and declarations of war being always issued, but we are not to expect that war will come upon us like a thunder clap. Hostilities, in the present day, do not come on suddenly. There are disputes, negotiations, complaints, and answers, or something of that kind which gives an opportunity of making preparations against any danger whatever that may come upon us—and the question is, whether the navy is not in such a state as would afford the germ or nucleus of any efficient force if any should be required in consequence of an interruption to peace, I for one beg leave to say, that I do not in the slightest degree apprehend any danger of that sort, because I do believe, notwithstanding that some unfortunate differences have taken place which it may be somewhat difficult to explain, that there is no power in Europe more sensible of the great advantages to be derived from friendship with Great Britain, or which is more inclined to friendship than the power which possesses that fleet which has been made the subject of the noble Lord's animadversion. Every noble Lord has admitted, I believe, that the course recently taken by the Admiralty is one entitled to their approbation. My Lords, it is not my intention to enter into the particular parts of this discussion, but I thought it my duty to state the general principles that ought to influence and guide your Lordships in the consideration of this question.

Lord *Colchester* would only make a few observations in reply. He begged to assure the noble Earl opposite (Earl Minto), that he had no personal feeling towards him in bringing forward this question, and he thanked the noble Earl for the courtesy with which he had (as indeed he always did) answered his observations. He could not help thinking however, that we ought to make some more extensive preparations, and if we could not afford to keep up such a force as Russia, we ought at least to ask Russia to reduce her fleet in proportion to ours. There were precedents for such a course—he believed it was such a demand made upon France in 1803 that led to the war. He would not press for a return of the distribution of the ships if the noble Earl opposed it; but he held in his hand a book published under the authority of the noble Earl—at least under the authority of the Admiralty—in which the whole of the stations were named.

The Earl of *Minto* said, the book had no authority from the Admiralty.

Returns ordered.

HOUSE OF COMMONS,

Friday, February 22, 1839.

Minutes.] Bill. Read a second time:—Bankrupts Estates (Scotland).

Petitions presented. By Mr. H. Grattan, from Meath, against the present Tithe System.—By Sir Edward Codrington, from the Seamen of North Shields, for redress.—By Mr. Bruges, from Bath, for a system of National Education founded on the Scriptures.—By Lord Dungannon, from Bedford, against Maynooth College.—By Mr. Pendarves, from Redruth, against the Beer Act; and for a Rural Police.—By Sir James Graham, from Glasgow, for Church Extension in Scotland.—By

Sir G. Clerk, from the Orkneys, to the same effect.—By Messrs. R. Stuart, O'Connell, and Villiers, from a number of places, for the Repeal of the Corn-laws.—By Messrs. W. Duncombe, Mildmay, Heathcote, and Lords Dungannon, and Henniker, against the Repeal of the Corn-laws.

Insult to the British Flag.] Viscount *Ingestrie* wished to ask whether there would be any objection to produce the correspondence between the lieutenant commanding the Express packet and Commodore Douglas, and between Commodore Douglas and the British Government, upon the subject of the insult committed by a French officer upon the British flag at Vera Cruz. The noble Lord at the head of the Admiralty had not given any very precise answer to the questions put to him upon the subject; he (Lord Ingestrie) should therefore be glad if the Government would produce the correspondence which had taken place upon it.

Mr. *Charles Wood* did not know that there would be any objection to produce the correspondence moved for by the noble Lord, if any such correspondence existed; but, in point of fact, no correspondence whatever (as far as the Government knew) had taken place between the lieutenant and Commodore Douglas upon the subject. Having been informed by the noble Lord of his intention to put the question, he had brought down with him an extract from the only communication which the Government had yet received—an extract from a letter written by Commodore Douglas, in which that gallant officer said —"I have also received a satisfactory explanation from the French admiral upon the subject of the pilot taken out of the Express, which was entirely a mistake on the part of his Royal Highness the Prince de Joinville, and the Rear Admiral has informed his Government of it." That was the only explanation the Government had received. It had been their intention upon the first report of the transaction to have made a representation upon the subject to the French government; but having reason to expect a full account of it from Commodore Douglas, they had thought it better to defer taking any further step till that account had been received.

Viscount *Ingestrie* was not prepared to say that what might be satisfactory to Commodore Douglas would be satisfactory to the House of Commons. When so great an insult had been committed upon the flag of England it was only right that the House should be placed in possession of the fullest and most complete information on the subject. He should wish to know whether there were any British ship of war upon the station at the time, and whether the pilot, upon the fact being known that he was improperly seized, had been immediately released? No greater cruelty could be inflicted upon a man than that of compelling him to guide a hostile force to the attack of his own countrymen.

Mr. *Charles Wood* replied, that there certainly was a ship of war at Vera Cruz at the time, the Satellite commanded by an officer of higher rank than the lieutenant of the packet It was not in his power to say what had become of the pilot, because the Government had received no information upon the subject.

Subject dropped.

Prisons (Scotland).] Mr. *Fox Maule* moved the Order of the Day, for the second reading of the Prisons (Scotland) Bill.

Captain *Gordon* did not rise for the purpose of opposing the motion; although there were many alterations in it, they were by no means all improvements upon the Bill of last Session. All parties were agreed on the propriety and necessity of having good and sufficient prisons in all parts of Scotland. There were, however, several parts of the bill which he did not approve of. He did not like the separate system; and he thought it hard that Scotland should be made the scene of experiments on this subject. He objected therefore to all that part of the bill which went to provide three general prisons for carrying the separate system into effect. He hoped the hon. Gentleman would consent to have the bill divided into two parts, and bring that part of it which referred to the separate system as a bill by itself and on its own merits.

Mr. *Fox Maule* had considered the proposition made by the hon. and gallant Gentleman, but he did not think he should consent to it. The case of Scotland was totally different from that of England. In England the country gentlemen had devoted themselves to the state of the prisons, and had spared no expense in bringing these establishments to perfection. The system of visiting justices was one of the best that could be adopted, in order to place those prisons on a proper and correct footing. In Scotland they had done nothing of the kind; they had a system which was confessedly and notoriously a disgrace to that country. When the hon. Gentleman said it was hard that Scotland should be made the scene of experiments with respect to the silent system, he should recollect that the Central Board in Scotland would have a power of discretion, and that they would remain subject to the control of the Secretary of State, which control would be subject to the revision of that House. He could not consent to divide the bill into two parts.

Mr. *Pringle* protested against the statements of the hon. Member for Elgin, that the counties of Scotland had done nothing for the improvement of prisons, and that great strides had been made in England to effect that object. Great sums had been laid out by the counties of Scotland, and all of them, more or less, had made great exertions. He would refer to the report of Mr. Hill, to show, that large sums had been laid out in the improvement of prisons, and that the prisons were in good order. If the hon. Member for Elgin would consent to divide his Bill into two parts, there was no doubt but that it would be carried through both Houses of Parliament, to the great satisfaction of Scotland; and he wished to see this question settled at the earliest possible period.

Sir *George Clerk* was sorry that the hon. Member for Elgin was not disposed to adopt the suggestions that had been thrown out. He wished to see some important improvements made in the state of the Scotch prisons, but he did not think the hon. Member was warranted in stating that nothing had been done by the county gentlemen of Scotland. By the former state of the law the whole expense of building prisons was thrown upon Municipal Corporations. He was ready to support that part of the bill which made it compulsory on the counties to contribute their fair proportion of the expense of building prisons in Scotland. He thought however that it was unnecessary that the building of penitentiaries and large prisons should form any part of the bill. The noble Lord opposite had stated, that it was the intention of the Government to call upon Parliament for a vote of money to erect penitentiaries in England, and if such a course were necessary for England he could not see why it should not be adopted for Scotland. If such experiments were necessary they ought to be made at the public expense.

Mr. *Hawes* said, the object of the right hon. Baronet was to saddle on the general taxation of the country, the expense of erecting those prisons which the Scotch land-owners had for so many years neglected to build. The object of this bill, undoubtedly was, to erect certain prisons at the expense of the land-owners of Scotland, with the view of amending the system of prison discipline. This had been constantly opposed by hon. Gentlemen opposite—He recollected their opposing this bill last year, and he recollected that the great landowners threw out the bill in the House of Lords. It was proposed by the hon. Gentleman near him, and advocated by many on the same side of the House, and the only opposition made was by hon. Gentlemen opposite, on account of the little paltry assessment on their property." He wished it to go forth to the public, that the object sought was to assess Scotland to the amount of 30,000*l.* in one year, which would not be a 1*d.* in the pound, and on that account an opposition was made to one of the most useful measures ever brought forward.—The report of Mr. Hill had been referred to in order to show how much had been done by Scotland, but that report showed exactly the reverse, for it stated that the different recommendations which had been given had been wholly neglected, and when this bill was brought forward it was met with decided opposition by the hon. Gentlemen opposite; every delay was thrown in the way of the bill, and when it got into the Lords how was it treated? Did the Lords meet the bill on its merits? No. It was referred to a Select Committee, and there the whole inquiry was cushioned.—The Report on the table of this House contained the most flagrant instances of injustice. The county of Aberdeen had been referred to as a kind of pattern county, but what said the inspector? The gaol was built in a very substantial manner, bu not with a view either to the employment or the separation of the prisoners. It was built in the middle of the town, and there were no means of inspecting the prisoners without their being cognizant of the fact. [*An hon. Member*—it was not worse than Newgate.] He was not one of those who defended Newgate, for he had always denounced it as a disgrace to the corporation of London, but he suspected it would be found to be an excellent prison compared to many of the Scotch prisons. In many of them every species of irregularity was carried on, and the prisoners could even communicate with persons outside the walls. He hoped the Under-Secretary would press this bill, and that the Scotch counties would be obliged to build and support their prisons. They were not asked to do more than what was done in the English counties—The present assessment in Scotland was far less than in the English counties. In many of the latter it was not less than 3*d.* or 4*d.* in the pound, whilst there it was not more than 1*d.* He earnestly hoped that the Under-Secretary would not be intimidated by the opposition which was now offered, and that the country would perfectly understand that this was neither more nor less than a refusal on the part of the Scottish land-owners to do that justice which had been done in every other part of the country.

Viscount *Stormont* thought the hon. Member opposite could not have paid any attention whatever to the Act: for if he had, he could not have been so totally ignorant of all its provisions. All parties were agreed as to the defective state of the prisons; there was nothing which the landowners wished so much for as a good and substantial system of prison discipline. The landed interests of Scotland were not opposed to the objects of this bill, as far as the improvement of prison discipline went; but they were opposed to being charged with the expenses of experimental prisons.

Mr. *G. W. Hope* said, that the landed gentlemen of Scotland considered it was injudicious that the general prison system and the local prisons—objects which were quite distinct, and which would work better separately, should be united. The aspersions which had been cast upon the landed interest of Scotland on this subject were undeserved. The bill which had been introduced last Session on the question did not reach the Lords till August, and their Lordships felt, that it was a bill of too much importance, and requiring too much consideration to be passed then. The bill which was now before the House was varied from the bill as it came from the Lords in several important respects—and on all these points the bill ought to be opposed.

The *Lord Advocate* observed, that the large general prisons, so far from leading to an increase of expense to the country, would, in his opinion, greatly diminish the expense. It was alleged, that crime had increased in Scotland; but he denied the fact, unless so far as that increase was occasioned by the shameful state of the prisons. In every other respect crime had decreased. Convictions of the same individuals often occurred, because no system of moral correction had been adopted in the gaols. There might certainly be a greater number of convictions than formerly in some parts of Scotland, but that was no evidence of an increase of crime. It was in consequence of a better system of police that a greater number of prosecutions and convictions had taken place. Many crimes, which formerly passed unnoticed, were now prosecuted. He knew, that in many parts of the country, where there was not a good police, the number of persons apprehended was diminished, while in those places where the police had been improved, the number of persons apprehended and convicted was increased, although crime had actually diminished. Nothing, therefore, could be more fallacious than to argue, that because there was an increased number of convictions, there must necessarily be a great increase of crime. He was prepared to show, that even in Edinburgh, crime had greatly diminished; and he believed, that if a better police were introduced throughout Scotland, crime would be still further diminished in that country. There could be no doubt, that the present imperfect state of the police, together with the defective system of prison discipline, very materially contributed to keep up the number of criminals in Scotland. He would not inquire as to what might be the cause of this unsatisfactory state of things; all he would say was, that if the people of Scotland, and their Representatives in Parliament, were prepared to remove this disgrace from the country, it behoved them to contribute, as far as they could, towards carrying this measure forward, which he was convinced was calculated to promote the safety, the character, and he would add, the economy of the country.

Mr. *Gillon* thought the objection to the bill on the ground of expense, came with a very bad grace from the country gentlemen of Scotland, when the fact was, that the prisons were kept up at the expense of the boroughs of Scotland. It appeared to him very extraordinary, that the Conservatives, who had been in power for many years without feeling it to be their duty to apply a remedy to the evils existing in Scotland, should now, when a Liberal Government was attempting to introduce an improved system there, try to throw every obstacle in their way.

Bill read a second time.

GENERAL AFFIRMATIONS BILL.] On the motion for the House to go into Committee on the General Affirmations Bill,

Mr. *Goulburn* said, that when the second reading of this bill was proposed, he forbore to state his objections to it, which were of a nature that, in his opinion, ought to make the House pause before assenting to the further progress of this measure. If anything could add strength to his original objection to this bill, it arose from the observations which fell from an hon. Friend of his (Mr. Gibson), on a former occasion. His hon. Friend declared, that he considered this bill to be as much for the benefit of those members of the Church of England who entertained conscientious scruples against taking oaths, as for persons of any other religious persuasion. He heard that assertion with very considerable surprise. It was only an additional confirmation to him that the bill was not understood, and that its tendency ought to have been fully explained to the House when it was first introduced. He knew, that it had been a fashionable doctrine among some persons of late, that oaths were altogether unnecessary, and that it would be expedient for the general purposes of justice, to remove the necessity of an oath being taken to fortify a statement of facts made by the persons examined in any particular case. He would not then enter into an argument upon that question, because that was not the precise occasion when such a discussion could properly arise. But he would say this, that however objectionable it might be to make a legislative enactment of that description, he conceived that an enactment would be much more objectionable which gave a power to every individual to determine for himself, whether he would or would not be sworn in a court of justice. But that was the actual provision of the bill then before the House. He considered that such a bill was not only at variance with the precedents to which the hon. Member for Lambeth on a former occasion referred, but that the bill had a tendency to create a system of hypocrisy and fraud, and other practices very dangerous to the due administration of the law. It was true, that for a long period past, indulgence had been granted to Quakers and Moravians; and subsequently to Separatists: and it was equally true, that in the course of the last Session, that privilege had extended to all persons who had at any time been members of those communities, but who had since seceded from them. There, however, the Legislature stopped. But these enactments did not furnish a precedent to the present bill. In those former acts, power was given to persons belonging to recognised sects whose doctrines were known and capable of proof, and whose conscientious scruples, therefore, could be received as a ground for their testimony being accepted upon an affimation instead of an oath; but by those bills no power was given to other persons, not belonging to other sects, by merely making a declaration, to bring themselves within the privilege of those enactments, and to have the power of saying whether, in any particular case, they would consent to be examined on oath or on affirmation only. The bill now before the House afforded no clue by which the grounds of any man's objection to take an oath could be ascertained. If a man was a Quaker, a Moravian, or a Separatist, the ground of his objection could be known; but there was nothing by which it could be found out whether a man seeking to avail himself of the benefit of the present measure was acting *bonâ fide*, or for the purposes of fraud. So far with respect to precedent. This bill gave, he would repeat, an opening to hypocrisy or fraud. If any man had an object to promote, either by having his testimony believed or discredited, he could effect his purpose in one case by taking an oath, or in the other by making a declaration only. If, however, after having given his testimony on an affirmation only, under the plea that he felt conscientious scruples about taking an oath, and thus having weakened the credit of others in his evidence, he should wish to change the character of that evidence, it was in his power at any subsequent period to strengthen the credibility of his testimony by consenting to give it under the solemn sanction of an oath. But what would be the effect of this lax system on the whole course of proceeding in our courts of justice? It was impossible for any man who had ever acted in the capacity of a juryman or a magistrate, or who had been even a common observer of the proceedings in courts of justice, not to know that in the opinion of the public, there was attached to the taking of a false oath a degree of horror which was not felt with respect to any false statement made under the sanction of a declaration merely. This feeling operated also with the witness himself; and how much must it operate with those who had to deliver a verdict on the testimony of that witness? In every case in which it was necessary to examine witnesses, the court and jury were subject to have called before them willing and unwilling witnesses. Sometimes a witness would do everything in his power to discredit his own testimony; and what greater means for effecting this could be afforded him than that he should have the power to determine, when he came before the court, whether he would be sworn or would make an affirmation only? He might say, if he wished to injure the party who had called him as a witness, "I am entitled to give my evidence on a declaration merely, without being sworn, and I will do so, because I know it will so far weaken the force of my testimony." Thus a witness, by availing himself of the powers of this bill might, in many instances, most seriously affect the rights, character, and property of individuals, either by weakening his testimony in refusing to take an oath, or by strengthening it by consenting to give his evidence under the solemn obligation which an oath imposed. But the option which this bill would give to witnesses, would not only have a tendency to prevent due weight being given to their testimony by those before whom it was delivered, and by whom the cause was to be tried; it would operate very prejudicially with respect to the confidence of the public and of the parties in the decisions of the jurors themselves, because, he supposed, it would be competent, under this bill, for any juryman to select whether he would be sworn, or would make a declaration or affirmation only. This would be a most serious innovation indeed, for the oath of a juror was, in fact, the only security the public had for the impartial discharge of his duty. It afforded protection to the innocent who were unjustly or groundlessly accused; while it was a pledge even to the guilty that his trial would proceed with fairness and justice. But, if they permitted a juryman to come into the box who was not subject to be challenged on this account, be it observed, and to state that he had some time or other recorded a declaration that he objected to take an oath, and that he would, therefore, as he would be at liberty to do, make a declaration that he would act justly; if such an option were given, what, he asked, would be the opinion of the party who was to take his trial before that juror? It might be asserted by others, that a solemn declaration was equivalent to an oath, but the individual to be tried might feel most strongly that an oath was more binding upon the conscience than any declaration could possibly be, and the individual, whose life, property, or character, was at stake, would certainly consider himself less safe before a tribunal whose integrity, in his opinion, was greatly deteriorated by an oath being dispensed with, than before a tribunal who were under that solemn obligation. But could there be a more ready way of defeating justice than to get any man upon a jury who should declare that he would not be sworn, and then, after the trial had been completed, and he should be accused as having given an unjust verdict, he should be able to screen himself from the ignominy that would attach to the crime of perjury, by alleging that he had not been sworn? But he did not rest his objection to the bill upon these grounds merely; he objected to the principle of the bill. The hon. Gentleman (Mr. Hawes) had said, that it would be a great hardship on those persons summoned to act as jurors who objected to taking an oath if they were not allowed the liberty of making a declaration. But he would say, that there was no hardship in the case at all. The Legislature was bound to consult the feelings and rights of those who were to be subjected to a judicial tribunal, as well as of those who were to compose that tribunal; and so long as the feelings of the public were, as he knew them to be, adverse to the principle of this bill, and in favour of the evidence of witnesses, and the verdicts of juries being received under the sanction of an oath, so long should he be opposed to the adoption of any such measure. He might be told, that this was a bill which was absolutely necessary to maintain freedom of conscience, and that those who would not consent to it were the enemies of all freedom of conscience, and were indeed nothing less than persecutors. What, he would ask, was the freedom of conscience which this bill professed to give? The bill went to say, that the man who could pay 3*s.* 6*d.* might have a conscience, but that the man who was not able to pay that amount could not have any. The hon. Gentleman said, that all objection would be removed by the imposition of the penalty of perjury for making a false affirmation, but he would ask, how were they to achieve the punishment for perjury? It was an idle remedy, and would lead only to frauds. How were they to hunt the records of every petty and general session in the country and every court to see whether a declaration had been made? and, without doing this, how were they, in the case of jurors, for instance, to prove that a man had acted corruptly? Thus the remedy proposed to be given was, in fact, no remedy, the evil would be unmitigated, and he thought that the House ought not, in a matter interfering with property and affecting the lives of her Majesty's subjects, to pass such a bill. The hon. Member for Ipswich (Mr. Gibson) had supported the bill the other evening on the ground that it would give relief to the members of the Established Church; but with respect to the Established Church, it had nothing to gain unless by the improved administration of jnstice which this bill would not effect. The declaration subscribed by the members of the Established Church in the articles was, that though oaths were not to be vainly taken, yet that they might be taken for the sake of justice or truth; how, then, could a member of the Established Church make the declaration required by this bill, that he entertained conscientious scruples with respect to taking an oath? Feeling, therefore, that no relief would be afforded to them, but that the bill would defeat the ends of justice, he moved as an amendment, that it be committed that day six months.

Mr. *Hawes* believed, that many Members of the Church of England felt great doubt upon some of those articles, and it was the first time he had heard that it was absolutely necessary for the Members of the Church of England to consent to the taking of oaths. The right hon. Member said, that this bill would defeat the ends of justice; but he thought that when the House knew that the Chief Justice of England sanctioned this bill, that more than one of the judges also approved of it, and that many Members of that House, who were of high standing at the bar also agreed in its justice, they would see that the right hon. Gentleman's fears were unfounded? What was the state of the law at present? The Quaker could claim exemption, the Moravian could claim exemption, the Separarist could claim exemption—nay, more, any one who declared that he had been of the persuasion of the Quakers, the Moravians, or the Separaists, could claim exemption. All that had been already done by the Legislature, and he believed that they had never heard an instance of any mischief having arisen. What was their present condition? that the man who was dishonest would be equally unscrupulous about taking an oath; whilst the testimony of the honest but conscientious man could not be received; and what he proposed by this bill was, that this honest and scrupulous man might go before the same party, in whose presence he could make a declaration of allegiance or supremacy, and make a declaration of his objection to take an oath. The right hon. Gentleman said, that the bill was far from satisfactory, because, there was a fee of 3*s.* 6*d.* imposed for this oath, whilst there was no provision for the poor man; but would the right hon. Gentleman help him if he struck out this fee? The fact was only one of those *ad captandum* arguments, which hon. Gentlemen employed who objected altogether to the principle of bills to fritter them away. He was quite willing to strike out that clause, so that all persons who required relief might be enabled to avail themselves of this bill, and would thus get rid of the declamation of the right hon. Gentleman about the injustice to the poor man's conscience, which had been so much cheered by the other side of the House. He would also leave the question of fraud and hypocrisy to the House, for the House must be perfectly aware that an oath was not always a preventive against hypocrisy. It was not always that juries, though sworn, gave thir verdicts in accordance with the evidence, particularly in political cases; for instance, had it not been lately asserted, that the verdicts of Canadian juries was not given according to the evidence, and yet they were sworn. In fact, so far from all verdicts being in accordance with the evidence, nothing was more notorious, that many circumstances acted upon the mind of the jurors, and the oath was no security. The hon. Gentleman opposite, the Recorder said the other evening, that persons who affirmed were not so likely to be believed by jurors as those who were examined upon oath: but the affirmations had been for some time in use by Quakers, and could the hon. Gentleman state one instance in which a Quaker, a Moravian, or a Separatist, had come before a jury, and had not been believed as well as if he had been upon oath? He called upon the hon. Gentleman to state any case in which an affirmation had been discredited; he believed that there was not one to be found. If, however, the course of justice was likely to be interfered with, or that fraud would be attempted because of affirmation, the hon. Gentleman ought to move for the repeal of the former bills. If this were not done, he could not see the reason why the members of the Church of England should not have the same privilege as members of other sects. Why, would they not pay any attention to the sufferings of those parties who objected to taking an oath? What was the law before Quakers were allowed to make affirmation? There were the most stringent penalties against those who refused to take an oath, or even persuaded others to refuse; such parties were liable to transportation, and yet these penalties all failed, and they were obliged instead of severity to introduce leniency; and if there were any classes now requiring relief, ought they not to extend the principle already adopted? Let him take the case of a recent murder in Ireland? suppose the facts were known only to one witness, who had conscientious scruples against taking an oath, would not this House have had a special bill introduced, to enable this person to give his evidence. But there were one hundred cases in which parties were subject to much personal self-denial, but these cases were never heard of in that House. If a man entertained a conscious objection to taking an oath, he was shut out of all professions —the whole of that class were excluded from civil rights, because the House chose not to relax the law in their favour, which they had relaxed in favour of others. He wished to call the attention of the House to some alterations which he proposed to make in the bill, in order to render it more unobjectionable. The principal alteration was in the second clause, and made it a positive misdemeanour for a person to affirm falsely, which should render him liable to an imprisonment for six months. He wished to introduce another clause, that any person making such affirmation or declaration wilfully, might be convicted of perjury. He hoped the House would see that this bill did not deserve the character given to it by the right hon. Gentleman, and that it was nothing more than a pledge to extend to others the same indulgence which had been recently granted to certain sects.

Sir *R. Inglis* said, that the hon. Member's fallacy was, in thinking, that a man who was capable of acting dishonestly would not shrink from the commission of perjury; but, swearing falsely was a crime in the minds of many a most profligate man, who would not care what falsehood he stated in simple speech, or almost what act of crime he would commit. Nor was this feeling confined to what were sometimes called the inferior or uneducated classes. Many men would state what they would not swear to—several instances happened in which men stated before Committees of that House what they would not swear to before Committees of the other House; and, where they found this difference in the conduct of men of education, what must they expect from less informed persons? A gentleman of much consideration in the country had given evidence before a Committee of that House which differed from what he had stated upon oath in the other, and when the difference was pointed out he replied, "one was only a conversation, the other was upon oath." This was the case of an intelligent, well-educated man. He could state also upon the authority of one of the Judges, but who was not at that time upon the Bench, that in a case of appeal, in which he was himself present, before the Commissioners for the Property-tax, a gentleman had stated, "that he had no return to make, he had no property;" he was subjected to much examination by the Commissioners; and his memory was assisted by a reference to a mortgage; he was asked if he had no mortgage, and he replied, "none;" but when after all this he was asked, "will you take your oath of this," his reply was, "If it comes to that, I will make a return;" and that was a return of property worth 4,000*l.* a-year. In fact it was always found, that an oath was more binding than a declaration. In the courts of justice did they not continually hear it said, "that witness is not sworn," or, "recollect, Sir, you are upon your oath?" and were not these conventional expressions grounded upon that distinction, that many would speak falsely even in a court of law, but that they would not swear to it? In fact, if this Bill passed, a year would not pass over without an attempt to get rid of oaths altogether. He did not pretend to measure the degree of moral quiet between a false assertion and a false oath. But the House was legislating for men as they are; and if it be found that men will hold themselves bound by the one, while they will lightly regard the other, it was most unwise to encourage a system, by which the sanction of judicial oaths would be superseded. No civilised society had ever been kept together without these solemn appeals to God: and, in fact, the belief in his Being had in some less civilised countries, been kept alive by them. He felt it necessary, therefore, to oppose the Bill in its present stage; and he regretted, that he had not been able to do so in that stage in which the principle was more immediately recognised. For private considerations he regretted the course which he felt bound to take, but in the discharge of his public duty he had cast aside all private feelings.

Mr. *Gibson* wished only to say a few words in answer to the right hon. Gentleman the Member for the University of Cambridge, and the hon. Gentleman the Member for the University of Oxford. The first right hon. Gentleman had attacked his (Mr. Gibson's) proposition that this bill extended relief to the members of the Church of England, who were as much entitled to relief as any other part of the community. The right hon. Genleman had attacked that proposition because, as he said, it was impossible for a person to remain a member of the Church of England, and yet object to take an oath; but he knew members of the Church of England who were admitted to her sacrament, and who participated in her services, and yet who did say that the taking of an oath was inconsistent with their conscience. He believed that there was not one Bishop who deemed it essential for a mere layman to adhere to the strict letter of the articles. Why, one Archbishop differed from another in the explanation of some of those articles, who then was to act as the infallible explainer of those articles. And did they think that to the member of the Church of England the same assistance should not be extended as was afforded to other sects. As to the objection of the hon. Gentleman the Member for Oxford, that some persons were opposed to oaths altogether, he admitted that some did so object; but he did not? for he thought that in some cases they were of efficacy in obtaining the truth. He looked upon them as a mode of strengthening the conscience, and of preventing the influence of temptation; but in order to produce effect, it was necessary that the oath should be in accordance with the party's conscience. If the oath were against conscience, it failed to be binding, and served only to maintain hypocrisy. If it were apprehended that a man would affirm falsely who would not speak falsely on his oath, it would show that such a person was only acted upon by the oath through superstitious feelings, and from no principle of morality. They were bound to take no notice of those superstitious feelings if a man were called upon to take an oath against his conscience; and if they did so for the purpose of taking advantage of a pernicious influence in the shape of superstition, they would be repressing conscience and doing a great evil. He had not heard any argument against the principle of the bill which would induce him to alter the determination he had formed of giving to it his support.

Mr. *O'Connell* followed the hon. Gentleman with great reluctance, feeling that he might weaken the admirable speech that he had made, and he would not have risen had not one view of the case been omitted by that hon. Member. The bill was introduced not only to relieve the conscientious scruples of the witness, but to benefit the ends of justice by giving his testimony to the party requiring it. It was not solely for the benefit of the Quaker, that he was allowed to make his affirmation, but for the benefit of the public, of the prosecutor, and of the prisoner. He had known cases in which the greatest evil had arisen from the want of such a bill. Thirty years ago, in the city of Cork, he defended an attorney's clerk, who was indicted for forgery, and whose defence was, that he had authority to sign the prosecutor's name. In his defence he produced a Quaker, a most respectable man, a party in the respectable house of Deacon, and Co, from whose evidence the jury would have inferred the fact of authority. When he got upon the table the Quaker refused to take the oath; the prisoner was convicted, and the Quaker went before the judge, Mr. Justice Day, out of court, and affirmed his knowledge and the man's life was saved; but if the Quaker's evidence had been received he would have been acquitted. There was another case in which he was concerned of great consequence to a literary gentleman whom he would not name in public, though he had no objection to mention his name in private; that gentleman was indicted in the city of Cork for a horrible crime imputed to him by a vile woman. At the time the crime was imputed to him he was at dinner with a Quaker gentleman in his own house. On the trial he produced the Quaker, who overcame his scruples and took the oath, saying, that as the honour and character of the gentleman was at stake he would take the oath. On the following day the gentleman prosecuted the prosecutrix against himself, and produced the Quaker who refused to be sworn, saying, that "yesterday he took the oath to prevent a great evil undergoing the lesser, but he would not do so again." [*Hear! Hear!*] Hon. Gentlemen cheered: but what had happened? Why, that one of the most abominable perjurers had entirely escaped. They would have prevented that highly respectable individual from having his character cleared, only that the Quaker had sacrificed his scruples to clear his friend's character and save his life. This bill was but the payment of an additional tribute to freedom of conscience, and it was therefore—no, he would not say therefore—but it happened to be opposed by those who were opposed to all liberty of conscience. Hon. Gentlemen forgot that in our courts of justice it was only a particular class of witnesses which was examined under the sanctity of an oath. The Chinese who was examined first broke a saucer; there did not seem much sanctity in breaking a saucer but it was done. The Mahometan was examined on his own faith; the Jew was sworn on the Old Testament; but the Moravian, the Quaker, and the Separatist were not sworn at all. To hear the hon. Gentleman opposite talking of an oath being preserved in every social state of society was most extraordinary. The hon. Gentleman had told them that there was no state of society in which it did not exist. Had the hon. Gentleman never heard of the State of Pennsylvania? there was not a State which was more moral or more religious, and yet they did not believe, that it was necessary to have a single oath. The House was told, that persons were inclined to respect their oaths and to abide by them, because their examination took place in public. But he could name one of the most respectable assemblies in the world, composed of men of property and talent, whose members, however, came to the table to be sworn, every one of them being careless as to the oath which they took, but looking to the side which they advocated, and the main inquiry being whether they were seven to four, or on which side was the majority. Why, it was impossible to say, that there was any respect for oaths when these scenes took place, and when the decisions which were given were upon the number of the party on either side. But with regard to this bill, he thought no possible mischief could be done by it, but on the contrary the greatest good. Juries were not now obliged to believe the evidence of witnesses called before them, but they judged upon their characters, whether that testimony could be received, and there was nothing in the provisions of this measure which would alter the law in this respect, and no greater discredit could be thrown upon a man's character, than by its being said, that he had never paid any attention to religion or morality during his life, and that he came forward being callous to every tie upon his conscience. He thought, then, that there would be a greater reverence of oaths if that bond upon men's consciences were not too frequently used, and that if any distinction now existed between the oath and the word of a man it was a false distinction, founded upon false morality. Had there been any instances given in which the oath of a Protestant and the affirmation of a Quaker had been contrasted? There had not, and he thought, that when men were to be found who construed the direct command given them to "swear not at all," as forbidding them to take an oath, the scruples which they possessed should be respected, at all events by the Protestant part of that House.

Mr. *Law* said, that the hon. Member for Lambeth had particularly called upon him to state whether he had witnessed any difference between an affirmation and on oath in a court of justice. He had not come down with any particular case, but he begged to offer to the hon. Member and to the House the experience of more than twenty years in different courts of justice, both for the administration of ordinary and the criminal law. He could safely say, that up to the present hour, that tribunal upon which the liberties of this country mainly depended—that the safety of the country depended — upon which the property, life, and liberty of the country depended — he alluded to the juries of the country — up to the present hour the juries of England had preserved the greatest respect and veneration for an oath, and had acted under its influence. He was quite satisfied that whatever desire of popularity might influence those out of the House to support such a measure as the present, he was sure that the good sense of the country, and the feelings of those who administered justice, would be opposed to the present Bill. He had been perpetually reminded by juries in matters of difficulty and uncertainty, that a particular witness on coming into the box, had manifested a disinclination to observe the formalities attendant upon taking an oath. He had always found, too, that the administration of an oath, both to the witnesses and to the jury, was always attended with the best effects; and, such being the case, he, for one, was not prepared to diminish those sanctions under which justice was administered. It had been said, what value could be attached to the evidence of the man who had ventured to state that, when he was not sworn, which he would shrink from when he was? Now he had known several instances where a witness had been reminded that he was upon his oath, although he had stated exactly the contrary before; he had known many instances where, upon being so reminded, he had admitted that what he had stated was false. Every day his experience convinced him that, however painful it might be to extract testimony from a party which would be hostile to his interests, yet the influence of an oath was such, that parties, when bound by it, unhesitatingly gave evidence against themselves, which they would not have done had it not been for the oath. In his opinion, the exceptions from taking oaths had been carried too far, with respect to those who had what he would call elastic consciences, and who professed a disinclination to submit themselves to an oath in courts of justice. Such being the case, was the House, by its measures, to attempt to persuade men to feel conscientious scruples? Was the House to say to them they were men of no great religious scruples, but could they not find out something or other which they felt disinclined to swear to? If the House introduced bills to meet cases like that, they might find ragged recruits among those whose statements were not to be believed upon oath; but they might depend upon it they would not meet with support from the respectable part of the community. He did not believe that the hon. Member for Lambeth had the feelings of the conscientious part of the community in his favour. Honest men in this country did not desire such ease to their consciences. There had been too many of such "liberal" measures—miscalled liberal, which were more mischievous than tyrannical measures. This measure would change the whole system upon which the administration of justice had hitherto proceeded. So far from saying it was a matter of hypocrisy to act under the obligation of an oath in a court of justice, he considered that all the solemnity of an oath was barely sufficient to carry out the objects of public justice. An experience of more than twenty years convinced him that the impression on the minds of honest and intelligent juries, derived from the middling classes of society, was not affected by these liberal sentiments of irreligion. They did not desire such a measure as this. He was persuaded that juries would attach upon questions of life, of property, or what was more valuable than all, of reputation — that juries would attach much more credit to testimony given on oath than to evidence given without that obligation. He could not but think, however, that these scruples had been carried quite far enough already. The Quaker had long been considered, and justly, as a rare exception to the rule, for their objection to taking the oath was in fact the key of their creed; but the indulgence which had been extended to the Quakers had been carried rather too far in regard to other sects, and this bill extended it to cases in which no real objection existed. He should be dishonest in the discharge of those judicial duties which he was called upon to fulfil elsewhere, if he did not declare his conviction that this bill would undermine the foundations of society, by injuring the administration of justice, and he was satisfied he was speaking the language of the enlightened, of the educated, and of the conscientious middle classes in this country, when he affirmed that this bill was as much opposed to their feelings as to honesty, and that it was, in fact, a measure of unadulterated mischief.

Dr. *Lushington* had listened to the speech of the hon. and learned Recorder with very great regret. It was not in that manner that measures affecting the consciences of large classes of her Majesty's subjects ought to be discussed—and this was the first time in his political experience that he had heard the Quakers, the Moravians and the Separatists, spoken of as persons of elastic consciences. Those sects might be mistaken in their theological opinions, but in their moral conduct—in their obedience to every obligation, to honesty and good faith, they were most exemplary—and when it was attributed to them by the hon. and learned Recorder that they were persons of elastic consciences —which meant a disregard of sacred obligation, which meant not being bound by moral duties and opinions of right or wrong—he knowing their sacrifices—knowing their sufferings—knowing their long endurance for conscience-sake, was bound to appeal to the House, and to the country, whether the statement of the hon. and learned Recorder was not calumnious? Now, with regard to the question before the House. How stood the law at present? A person refuses to take the oath. What is to be done? Commit him. For what? For having a conscientious scruple, which various Acts of Parliament had decided to be just and laudable in other classes of persons—scruples which might indeed be erroneous, but which he would not decide upon, as he would not, like the hon. and learned Recorder whom he could not accuse of tolerance—make himself a judge over the consciences of others. Well, the party was punished. But was the object attained? That object was to procure his evidence in the Court of Justice, and it was altogether frustrated by his refusal to take the oath. But, supposing that after having been committed, the person was to come back and express his willingness to take the oath, what would be thought of the conscientiousness of a person who first came into court saying that he had a conscientious objection to take the oath, and shortly after said, " There is such wonderful virtue in the authority of the tip-staff, that now I am willing to take the oath." Why such a person would be taking the oath under duresse.—Even at the present time, a person might take the oath in what form he liked; and he remembered an instance of a person of the Methodist persuasion, who required to take the oath upon the Old Testament only, and was allowed to do so. And at the Queen's trial, when the question as to the form of taking the oath was mooted, Lord Tenterden said that a witness might be sworn in the manner most binding on his own conscience, and that it was impossible to go further. But the noble and learned Lord added one further observation which had struck him very forcibly at the time, and had made a deep impression upon thousands since—that when a man was sworn, in whatever form he imprecated Divine vengence on his head. This was felt so strongly in Scotland, that about fourteen years ago when the form of the oath was that the person knelt down and taking the Bible in his hands prayed God, that if he swore falsely, all the curses in that Book might fall upon him—it was represented to the then Lord Advocate, and he declared that he thought the objections reasonable, and altered the form. It would be the grossest impolicy, and most perfect injustice, to suppose that individuals might not remain good members of the Church of of England, because they dissented from some of its articles.—A more dangerous doctrine never could be promulgated respecting that Church, than that every man who partook in her communion—that every man who professed her doctrine, because he did not happen to coincide in one opinion, ought to be excluded from the pale of that Church; it would in his opinion, go in direct violation of the opinion of all the most celebrated divines since the times of the Reformation. The policy of the Church of England was not to thrust out of her pale, individuals who conformed to all her main points; but to make allowances for those differences which constantly would occur among honest and enlightened minds. There were persons not belonging to those sects who seriously suffered from their conscientious feelings. He would give one instance, that of a gentleman residing in one of the midland counties, who having lost his sister, became entitled to 4,000*l.* He, however, would not take the oath, and paid the debts out of his own pocket, and the property went to decay. There would be such cases—and was no remedy to be offered? Independently of the question of the jurors' obligation, to take an oath in fulfilling many of the offices of life, was a great and serious objection. It was stated, that jurors had a conscientious regard for oaths, or, in other words, that they gave conscientious verdicts according to their belief; but then it did not follow, that a change in this respect would prevent them from being honest men. He was aware that in the administration of justice they frequently met with an utter disregard to truth. But he further believed, that the main-stay with respect to the lower class of witnesses was not so much the oath they took, as the fear of the consequences if they were proved guilty of being forsworn.

Mr. *Shaw* would shortly state his reasons for voting against the bill. With respect to juries, in cases of doubtful evidence they would be disposed to lean to that party whose evidence had been given upon oath against that party whose evidence had been given without that sanction. He had heard jurors express great objections to persons who had not taken an oath. Suppose the hon. and learned Gentleman opposite to be engaged as counsel in a cause, and that he had to cross-examine a witness, and it was put to him whether he would have the witness sworn, or let him give evidence on his bare assertion, how would he act? He had no doubt, that, looking to mankind in general, and particularly to the Irish people, he would say, let him be sworn by all means. Hon. Gentlemen opposite said, that evidence might be lost, because they could not constrain a person to take an oath; but the question was, were they to endure that, rather than submit to a greater evil? They could not meet every possible conscientious objection. Then it was said, let every person be sworn according to the form most binding on his conscience. To that he agreed, but the question was, not about the form of the oath, but whether it should be dispensed with altogether. There might be a few who had these conscientious scruples, which cases might be met by such legislation, but it was of the abuse of such a law that he was apprehensive; and if they were to legislate to meet these scruples, they would open a door to more unscrupulous persons.

Viscount *Morpeth* said, it must be admitted, that it would be desirable to relieve conscientious scruples, and prevent the possibility of such a striking and affecting case as that which had been mentioned by the hon. and learned Member near him. The question was, whether there were stronger countervailing objections on the other side. He so far agreed with the opponents of the bill as to admit, that there were cases in which the dishonest would shrink from perjury, but could they not attach the same penalty to the making a false affirmation as to perjury. He did not see, that the statement made by the learned Recorder, respecting the observation of juries, that certain witnesses had not taken an oath, was much in point. They naturally took notice, that a positive injunction of the law was not attended to, and they considered the neglect to be an evasion indicative of a desire to deceive. The same observation would apply, in not making a solemn affirmation, as it did now in not taking a solemn oath. Then they had the additional security which was provided by the preliminary formal assurance which the person was to give of his conscientious repugnance to take an oath, and it would turn out, that such a formal assurance would not be given by any persons whose general conduct and known opinions did not correspond. He was not prepared to say, that some of the details of the bill might not require modification; and the whole effect of it, he admitted, could not be contemplated without some slight misgivings; but when a discussion was raised on the principle of the bill, he felt constrained to give his vote in a way in which it would afford ease to consciences. It might suit the hon. and learned Gentleman opposite to call them elastic, but he contemplated conscientious scruples in a far different light, whether expressed by Quakers, Moravians, or Separatists, or any one else, who attached a more literal meaning than he did to a positive precept of the New Testament.

Sir *Robert Peel* said, though he might come to a very different conclusion from that of the noble Lord, yet he could not come to it without the same misgivings and doubts which the noble Lord experienced, but he was bound to decide between the conflicting advantages and dangers of this measure, and he found the balance to be against the further progress of the bill. He thought his hon. and learned. Friend had been misunderstood when it was supposed he had applied the term "elastic conscience" to the Quakers, Moravians, and Separatists. If he were correctly understood, he (Sir R. Peel) must disclaim all participation in that remark. So far as he had any connexion with them, either in a public or private capacity, he never found men more disposed to act upon the principle of Christian and moral obligation than the classes to which his hon. Friend had alluded. But it had been assumed in the course of the debate, that they were about to place the members of the Church of England on precisely the same footing as the classes referred to. He contended they were not going to place the members of the Church of England on the same footing. The presumption was, that an individual who belonged to the sect either of the Quakers, Separatists, or Moravians, belonging to a sect, one of whose fundamental principles was an objection to an oath; but that was not the case with the members of the Church of England, and therefore it could not be said, that they were about to extend to the members of the Church of England the same privileges as they would confer on other bodies. What was done in the case of the Separatist? They exempted him from the obligation of taking an oath, but on what grounds? They required from him this declaration—"In the presence of Almighty God I solemnly, sincerely, and truly affirm and declare, that I am a member of the sect called Separatists, and that the taking of any oath is contrary to my religious belief." Did it stop there? No. The words were superadded—"as well as essentially opposed to the tenets of that sect." They would not require that from a member of the Church of England, and therefore this bill was not placing the members of the Church of England on the same footing as the sects whose religious principles were fundamentally opposed to it. His (Sir R. Peel's) chief objection to the bill was this, that they could not stand on the foundation they were building. A great part of the argument against the existing system was founded on this, that there was no difference between the obligation of an assertion and the obligation of an oath. Why, then, did they require a solemn affirmation? What did they mean by a solemn affirmation? Did they mean to superadd a religious sanction to an assertion? If they did not, where was the distinction? What was the nature of the religious sanction which they sought to apply to the word solemn? Suppose, as the hon. and learned Gentleman had said, there should be a party who, referring to the word of God, found a prohibition against swearing at all—why not respect that man? Why should you visit him with punishment because he acted according to his conscience? Suppose another man said, I find also in scripture an injunction, that my conversation shall be "Yea, yea, nay, nay," and that is all the declaration I shall make, and you object to it as the condition of relieving me from an oath, while in the word "solemn" you imply a distinction between the assertions I am to make in court, and those I am to make in ordinary transactions, I think you ought not to draw a distinction between degrees of veracity and credibility, and you ought not, by the use of the words "solemn affirmation," to make it appear more binding than the bare assertion of a man. I claim, therefore, to be relieved from your solemn affirmation. I ask you to trust to my word—to permit me to quote the text which I think favours my construction. What would they do with that man? Would they undertake to tell that man that his religious scruples were absurd and without foundation? If so, on what pretence? Who were to be the judges how far the scruples of a man were to go? Would they, in case of his refusal to submit to that form of affirmation, have him committed to the tipstaff? Had he not as much right to have his scruples, such as they were, regarded, as the man who conscientiously objected to an oath? If this bill were passed, they could not avoid going much further—to the extent that every man should give his evidence in a court of justice, or perform his duties as a juryman, under that species of sanction which he declared to be binding on his principles, or, perhaps, according to his caprice. The bill required, before evidence was given, that there should be a declaration in lieu of an oath. Suppose this declaration was omitted, what would be the effect where, perhaps, murder might be the subject of the trial? I can understand how, where a privilege is in question, under such circumstances such evidence could do no harm. But suppose a case in which the subject matter is crime, where the giving the evidence is a duty, the omission would then become serious. I am afraid that at last the measure, if agreed to, must come to this, that no man need make any declaration whatever, except what he himself recognizes as binding. Feeling, as I do on the one hand, the desire to relieve conscientious scruples, yet, on the other, weighing the balance of evil, the unwillingness there is to be accessary to the taking away human life on the one hand, and the fear on the part of juries to give verdicts against the accused in such cases on the mere assertion of witnesses on the other, he felt compelled, though he admitted reluctantly, to give his vote against this bill.

Mr. *Law* explained, that he did not suppose, that the noble Lord opposite had imputed to him that application of the term "elastic conscience" seriously, or in any other spirit than that of the amusement of debate. If, however, the noble Lord had so misunderstood him, or if the House generally believed that he had so applied the expression, he begged at once to withdraw it, and to say that he had not used it in any disrespect to any sect whatever.

The *Solicitor-General* could not complain of the tone in which the right hon. Baronet had discussed this question, for he had stated it to be a question of the balance of convenience and inconvenience, of which he conceived the inconvenience to preponderate. In order to arrive at that conclusion, the House must consider that he was driven to the necessity of pushing the question to the extreme—a limit which he (the Solicitor-general) did not shrink from putting to the test. He was ready to admit, in the progress of society that there should be classes of persons who had a conscientious scruple in saying—"I solemnly affirm so and so," exactly the same principle which induced him now to say, he would not put the individual to his oath, would lead him to say, he would not put him to his affirmation. [*Cheers.*] He supposed hon. Gentlemen opposite who cheered, meant to say that was absurd, but he saw nothing absurd in it. Why require an oath at all? Some people said, it was the only test of the truth of what a party had to say. Let him call the attention of the House to one circumstance connected with this case, which would throw a great doubt on their sincerity who trusted so much to an oath. It frequently happened that a witness had stated something which he afterwards denied on oath. If this importance of an oath had any weight, they ought to say, "Never mind, he only said it when not under the sanction of an oath;" yet everybody knew the case was established against him when they could get him to contradict on oath an assertion which he had previously made. Of what value, then, was the oath in this case? It was not the oath that gave the sanction, but the solemnity of the manner in which it was administered, and the circumstances under which it was taken. He would ask whether the present alteration was novel? Certainly not. Hon. Gentlemen must be aware of the great alteration that was made in 1829, when a declaration was substituted for an oath on taking office. He did not think the House would gain much by saying that exemption should be given to Quakers, Moravians, and Separatists, but not to individuals of other denominations. He thought the objection of the right hon. Baronet was a most cogent reason why the bill should go before a Committee. He felt the strongest conviction that the time would shortly arrive when it would be considered a complete mockery to think more of an oath than a statement. He considered the prejudice in favour of an oath would be removed by time and education.

Mr. *Pryme* did not see why, because the Quakers adopted a peculiar phraseology, and held exclusive observances, they should be entitled to a privilege from which the members of the Church, who only differed from the Church on the subject of oath taking, was debarred.

The House divided, on the question that the Speaker do leave the chair:—Ayes 93; Noes 125—Majority 32.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bodkin, J. J.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, Charles
Busfield, W.
Butler, hon. Col.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Clay, W.
Collier, J.
Cowper, hon. W. F.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Duckworth, S,

Duke, Sir J.
Dundas, C. W. D.
Elliot, hon. J. E.
Evans, G.
Evans, W.
Fielden, J.
Fenton, J.
Finch, F.
Fort, J.
Gibson, T.
Grattan, H.
Greenaway, C.
Hill, Lord A.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Howard, P. H.
Humphery, J.
Hutton, R.
Ingham, R.
Johnson, General
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
Marsland, H.
Martin, J.
Melgund, Lord
Morpeth, Lord
Murray, rt. hon. J. A.
O'Brien, C.

O'Connell, D.
O'Connell, M.
Pattison, J.
Pechell, Capt.
Philips, M.
Phillpotts, J.
Pinney, W.
Power, J.
Pryme, G.
Rice, E. R.
Roche, E. B.
Rolfe, Sir R. M.
Salwey, Colonel
Scholefield, J.
Smith, B.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thornley, T.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Williams, W.
Wood, G. W.
Wyse, T.
Yates, J. A.

TELLERS.

Hawes, B.
Parker, J.

List of the NOES.

Acland, Sir T. D.
A'Court, Captain
Adare, Lord
Arbuthnott, hon. H.
Ashley, Lord
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Barrington, Lord
Bateson, Sir R.
Bentinck, Lord G.
Berkeley, hon. C.
Blair, J.
Blakemore, R.
Blennerhassett, A.
Bolling, W.
Bradshaw, J.
Broadley, H.
Bruce, Lord E.
Bruges, W. H.
Buller, Sir J. Y.
Burroughs, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantilupe, Lord
Chapman, A.
Clerk, Sir G.
Clive, Viscount
Cole, hon. A. H.
Compton, H. C.
Copeland, Alderman
Darby, G.

Davenport, J.
Dunbar, G.
Dungannon, Lord
Du Pre, G.
Eastnor, Lord
Egerton, W. T.
Estcourt, T.
Farnham, E. B.
Feilden, W.
Fitzroy, hon. H.
Fitzimon, N.
Gladstone, W. E.
Godson, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Grimsditch, T.
Halford, H.
Handley, H.
Hawkes, T.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hon. Chas.
Hope, G. W.
Hotham, Lord
Houstoun, G.
Hughes, W. B.
Hutt, W.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
James, Sir W.
Jones, J.

Kirk, P.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, right hon. T.
Liddel, hon. H. T.
Lockhart, A. M.
Lowther, J. H.
Mackenzie, T.
Maclean, D.
Marsland, T.
Maxwell, hon. S. R.
Miles, P. W. S.
Mordaunt, Sir J.
Morris, D.
Noel, W. M.
Norreys, Lord
O'Neill, hon. J. B. R.
Parker, M.
Peel, right hon. Sir R.
Perceval, Colonel
Perceval, hon. G. J.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Powerscourt, Lord
Praed, W. M.
Pringle, A.
Protheroe, E.
Pusey, P.
Reid, Sir J. R.
Richards, R.

Rickford, W.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Sharpe, General
Shaw, right hon. F.
Sheppard, T.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, E.
Stanley, Lord
Stuart, V.
Stormont, Lord
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Tyrell, Sir J. T.
Vere, Sir C. B.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Walker, R.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, R.
Wood, T.
Young, J.

TELLERS.

Fremantle, Sir T.
Holmes, W.

Bill lost.

HOUSE OF LORDS,

Monday, February 25, 1839.

MINUTES.] Petitions presented. By Lord **BARHAM**, from Rutland County, by Lord **WHARNCLIFFE**, from a place in Yorkshire, by the Marquess of **BUTE**, from several places, and by Lord **DALHOUSIE**, from three places, against the Repeal of the Corn-laws.—By the Marquess of **BREADALBANE**, from the Greenock Chamber of Commerce, and from a great number of other places, for the Repeal of the Corn-laws.—By Lord **WHARNCLIFFE**, from Barnsley (Yorkshire), against the Post-horse Duty.—By the Marquess of **BREADALBANE**, from a place in Perthshire, for Church Extension.

POOR LAW (IRELAND) AMENDMENT BILL.] Viscount *Duncannon*, in moving the second reading of the Poor Law (Ireland) Amendment Bill, begged leave briefly to state the alterations made by it. The Act of last Session authorized the Poor Law Commissioners to unite as many townlands as they might think fit into one union for the relief of the poor. But as the boundaries of many townlands were not accurately known, and also as there were places where no townlands existed, it was provided by the present bill that all the provisions of the act of last Session which related to townlands should be construed to extend to every place in Ireland, whether known as a townland or not. The act of last Session provided that appeals should be made at the sessions of the peace held in the presence of the assistant-barrister; but as certain sessions of the peace were not held before assistant-barristers, it was by the present bill enacted, that appeals might be made to any general or quarter sessions held in the place where the cause of complaint might have arisen, although such sessions were not held in the presence of an assistant-barrister.

The Duke of *Wellington* had no objection to the bill, as the principle of the original measure was adhered to.

Lord *Brougham* said, the last thing they did in the last Session was to pass the Irish Poor Law Act, and the first thing that was done in the present Session was to introduce a bill to alter and amend the former measure. Certainly he had never seen a bill more susceptible of extensive amendment than this. He approved of the 10th clause of the present Amendment Act, which gave their Lordships power to amend this Amendment Act. He was satisfied it would be necessary to amend this Amendment Act before the Session closed.

The Earl of *Wicklow* did not recollect one Act passed by the present Government that had not required an amendment act to be passed in the ensuing Session. He agreed in the propriety of introducing this bill. He approved of the 8th clause, which permitted the appeal to the quarter sessions, without the presence of the assistant-barrister, a principle which had been contended for last Session. The noble Viscount at that time declared, that if the appeal to the quarter sessions were granted at all, it should be in the presence of the assistant-barrister; but he now saw the necessity of receding from that point.

Lord *Brougham* said, when it was stated that all legislation was bungling, or at all events all the acts of the present Government, (of which he would not say a word), he must refer to the English Poor Law Act—an act of a much more extensive nature than the one now alluded to, but which had not required any amendment.

Viscount *Melbourne* said, most acts of an extensive or important nature required amendment. With regard to the English Poor Law Act, he must however say, that the reason why no amendment had been introduced was not because none was required.

Bill read a second time.

PARDON OF CRIMINALS (IRELAND).] The Marquess of *Normanby*, in reference to a question which had been asked on a former occasion by a noble Earl (Charleville), stated, that he had no objection to produce further information with regard to John Coghlan, an Irish prisoner, who had been sentenced to transportation, but being certified by the surgeon as unfit for the voyage, had received a pardon. This was also the case with a man named Michael Bryan, who had been imprisoned for twelve months. There had been a very favourable report of that man's conduct, and it was upon the recommendation of the learned judge that the course had been adopted to which the noble Earl had alluded.

The Earl of *Charleville* said, that Coghlan, after the commutation of his punishment, had been convicted of rape, although they were told that he was not able to bear the fatigue of transportation.

The Marquess of *Normanby* said, that he had acted upon the certificate of the surgeon in agreeing to the commutation of punishment.

The Marquess of *Westmeath* wished to know who the surgeon was that had given the certificate.

The Marquess of *Normanby* said, that it was the regular surgeon appointed to attend the prison, and whose duty it was to report correctly.

Lord *Brougham* considered, that the present subject was one of the most serious nature, as it related to the administration of justice, He considered that the power of bestowing mercy was one of the highest functions in the country. It was peculiar to the constitution of this country that the prerogative of mercy was not a mere matter of caprice on the part of the Sovereign, that it was to be exercised under a solemn oath taken at the coronation; it was, therefore, a responsible public duty, and the advisers of the Crown could only recommend the exercise of it where it was due. In his opinion, it was a most serious matter that a surgeon's certificate should be taken as the ground for a commutation of punishment without further investigation. He considered that the noble Marquess ought to have had further inquiries made into the certificate, as it was clear that at present it was contrary to the facts of the case. There must be some gross contradictions and absurdities somewhere, and if no other noble Lord would adopt the course, he should feel it to be his duty, to put the Government to the trouble of producing the certificate.

The Marquess of *Normanby* said, he now heard for the first time, that the Coghlan who had committed the rape, was the same identical Coghlan who had been previously discharged.

The Earl of *Charleville* said, he was the same person, and had been tried five times for different offences.

Lord *Brougham*: It now appeared that, instead of a medical certificate from a medical man, there must be also a recommendation to the Lord Lieutenant. He begged the attention of the noble Marquess to this—that it was upon the responsibility of a medical man that the whole of these commutations took place. Such a proceeding was most monstrous. If upon the responsibility of a medical man whether employed by the Government, or called in accidentally, any sentence was to be commuted or altered, all he could say was, that no sentence need ever be passed. They all knew how certificates were obtained—they were mere matters of opinion, and they all had seen how they were procured and used in the other House of Parliament. They had seen hon. Members who were unable to attend Election Committees, because it was inconvenient for them to turn round and vote a different way from the manner in which they had voted on a previous Committee. A medical certificate was very convenient, as it might turn the balance the other way, and seat a Member. That had occurred in his own knowledge. No medical man ought to have any power or authority to alter the sentence of the law. It should be matter of inquiry, and very grave inquiry. No such arrangement could take place in that country, nor was it recognised in the English law, that upon the recommendation or responsibility of a medical man, a sentence of any sort could be commuted.

Lord *Lyndhurst* observed, that a medical certificate alone would not excuse the absence of a juryman; for the party making it was obliged to attend in court, give his evidence, and be subject to cross-examination.

The Marquess of *Normanby* said, the question with respect to the prisoner was, whether he was in a state of health to undergo a voyage to New South Wales. In such a case, it was always customary in Ireland to attend to the medical certificate; but, though he was not transported immediately, it did not necessarily follow that his sentence would be commuted.

Lord *Brougham* would to-morrow move for the production of the medical certificates.

The Earl of *Roden* was sure that the gentry in Ireland would feel great satisfaction at the conversation which had taken place, for they attributed many of the evils with which that country was afflicted to the unlimited manner in which the noble Marquess had thrown open the gaols.

Subject dropped.

HOUSE OF COMMONS,

Monday, February 25, 1839.

MINUTES.] Bills. Read a first time:—Metropolitan Police Courts; Metropolitan Police Prisons; District Prisons; Borough Watch Rates.

Petitions presented. By Messrs. HOGG, BLACKSTONE, HODGES, BETHNELL, CHRISTOPHER, HURT, ACLAND, CLIVE, HEATHCOTE, and by the Earl of DARLINGTON, from a great number of places, against the Abolition of the Corn-laws.—By Messrs. KINNAIRD, HODGSON, and HUME, the Earl of EUSTON, and Sir G. STRICKLAND, from a number of places, for the Abolition of the Corn-laws.—By Captain POLHILL, from Bedford, for a Uniform rate of Postage.—By Mr. ROUND, from Maldon, for Amending the New Poor-law Act.—By Sir S. GLYNNE, from two places in Wales, against any transfer of Ecclesiastical Property from its present Holders.—By Mr. CHRISTOPHER, from several places, against any system of National Education not founded on the Scriptures; also for Protection to the Church in Canada.—By Captain PECHELL, from a number of Licensed Victuallers, against their Liability to make good Loss of Property in their houses.—By Mr. C. LUSHINGTON, from the Church-rate Abolition Society, for the Total Extinction of Church-rates.—By the ATTORNEY-GENERAL, from Edinburgh Distillers, for Amending the Licensing system.—By Sir R. INGLIS, from two Ecclesiastical Bodies in Oxford, against the Ecclesiastical Duties and Revenues Bill.—By Mr. BLAIR, from places in Wigtonshire, and Mr. F. DUNDAS, from several places, for Church Extension in Scotland.—By Mr. F. DUNDAS, from several places, for the Endowment of Schools.

INSULT TO THE BRITISH FLAG.] An hon. *Member* wished to ask the hon. Gentleman, the Secretary of the Admiralty, whether the Admiralty had had any communication with Lieutenant Croke, relative to the pilot taken out of the Express packet at Vera Cruz?

Mr. *C. Wood* could only repeat what he had before stated—namely, that the extract which he had read on a former evening, from the letter of Commodore Douglas, (who, as Lieutenant Croke's superior, was the only proper medium of communication between that officer and the Admiralty) contained all the information which had yet been received. He might, however, mention, that he had seen a copy of a letter from Lieutenant Croke addressed by him to the British consul at Vera Cruz, after the pilot had been taken out of the packet, but he had not alluded to that letter formerly, because it had not been received through the regular and proper channel of communication.

Captain *Pechell* wished to be informed whether the Express packet had arrived in England?

Mr. *C. Wood:* Yes.

Lord *Ingestrie* was not aware when he last alluded to this subject, that the Express packet had arrived in England, and he now wished to ask, why the Admiralty had not obtained from Lieutenant Croke himself, an answer as to what had become of the pilot taken out of the vessel. He also wished to know whether Admiral Baudin had, immediately on discovering the mistake of the Prince de Joinville, given a satisfactory explanation of the circumstances to the lieutenant of the packet, or whether that explanation was only made when Commodore Douglas arrived on the spot with the squadron under his command.

Mr. *C. Wood* said, what he had stated was, that there had been no correspondence on the subject beyond what he had read to the House on a former evening. The letter written by the lieutenant of the packet to the British consul at Vera Cruz had not been received through the proper medium of communication, as that letter ought to have been addressed to Commodore Douglas, whose duty it would then have been to have laid it before the Admiralty. Under these circumstances, he had not more particularly alluded to that letter on a former evening, and he must say, that while their information was so imperfect, the matter ought not to be agitated in the manner it had been. Commodore Douglas had stated, that he had received a satisfactory explanation from the French Admiral, and he thought, that until they had received fuller information from that officer the House of Commons ought not to agitate a question of this description. Commodore Douglas stated, that on the day he arrived at Vera Cruz, Admiral Baudin had given the most satisfactory explanation.

Captain *Pechell* said, the next question he should ask would be a very distinct one. He had no wish to embarrass the matter as far as it had reference to the question between this country and France, and he would view it as a question between Lieutenant Croke and the Admiralty. He wished to know whether the Admiralty had sought and obtained any explanation from Lieutenant Croke (who, as he knew, having served with him, was a brave and gallant officer) with respect to the pilot taken out of the packet. In his opinion, the lieutenant of the packet ought to have thrown the Prince de Joinville, or any other person, overboard who attempted to take a man out of his ship.

Mr. *C. Wood* said, he had only to repeat for the third time that night, that the Admiralty had received, through Captain Plumridge, a copy of a letter from Lieutenant Croke, addressed to the consul at Vera Cruz, in explanation of the transaction.

Lord *Ingestrie* said, he wished to know whether any written apology or explanation had been received from Admiral Baudin before the arrival of Commodore Douglas's squadron; or whether any negotiations were going on in reference to this subject?

Mr. *C. Wood* replied, that he had stated before, and he now repeated again, that he had reason to believe, from a private letter which had been received, that the next despatches from Commodore Douglas would bring a much more detailed account of the transaction than the short notice which had already arrived. He had stated that this was the only communication on the subject which had been yet received, and he thought it did not become his noble Friend, or the House, to press the matter further at present.

Subject dropped.

VACATING SEATS.—MR. WYNN.] Mr. *Williams Wynn* said, it would be remembered that on Thursday night last the attention of the house was called by the hon. and learned member for Chester to the circumstances under which his re-appointment to the office of steward of the lordship of Denbigh had taken place. He then gave an explanation which he thought was sufficiently satisfactory to the House. But he had since understood, that the hon. member was disposed to ask for further examination into the case, and having also seen in certain publications and newspapers that doubts had been thrown upon it, he thought it fitter, as in all cases whereon doubts were suggested, to call for the opinion of the House. He should, therefore, in accordance with the established usage, do so, deeming it to be the most convenient course to leave the case in the hands of the House, and to withdraw himself from it for the present.

The right hon. gentleman withdrew.

Mr. *J. Jervis* said, it certainly had been his intention to give notice of a motion for a committee on Thursday next; but when he came into the house it was intimated to him by a friend of the right hon. gentleman, that it was the right hon. gentleman's intention to request the opinion of the House on his particular case. The right hon. gentleman had not varied the facts at all; however, after what had passed, if the House entertained any doubts, an inquiry should take place. It was a question relating to the acceptance of office, and for that reason one requiring examination. He should, therefore, move the re-appointment of the same committee which sat on Mr. Harvey's case, with the exception of the right hon. gentleman, for whose name he would substitute that of the right hon. baronet (Sir R. Peel) opposite, if he would consent to serve. If it suited the convenience of the House, he would make his motion at once. The hon. member accordingly then moved, "That the papers relating to the appointment of the right hon. C. W. Wynn, to the office of the steward of the lordship of Denbigh be referred to a select committee, and that they be directed to report their opinion whether Mr. Wynn has vacated his seat by his acceptance of the said office." The form of the motion was the same as that used in the case of Mr. Harvey, and he should also move the same names, substituting Sir R. Peel for that of the right hon. Gentleman.

The *Speaker* observed, that it was the practice to give notice of all the names proposed to be appointed on a select committee. It was for the House, however, to say whether, this being in the nature of a question of privilege, the practice should be dispensed with.

Sir *R. Peel* said, that when he heard the hon. Gentleman, the member for Kilkenny, the other night, give rather a mysterious intimation that there were other cases, which, if the same rule of justice were applied, would disentitle the parties concerned to a seat in Parliament, he then said, in perfect sincerity, "Name the cases. and I shall be prepared to support precisely the same course as that taken with respect to the case of Mr. Harvey, and to deal out the same measure of justice as was done in that case." He of course expected that the same *primâ facie* case should be made out, and that it would not be deemed sufficient that the question should rest upon a mere acceptance of office; but that if a real case could be made out, then a committee of inquiry should be appointed. The hon. Gentleman had expressed in few words the course which he intended to pursue, and he (Sir R. Peel) was perfectly prepared to follow that course. He thought it right to appoint, as nearly as possible, the same committee that determined the case of Mr. Harvey; they had had their attention recently directed to the subject, and it was a committee which when named carried on its face a fairness of nomination as to parties that was entirely satisfactory to the House. The hon. Gentleman had proposed that he should fill up the vacancy made by the retirement of his right hon. Friend, to which he should have had no objection but that he had declined to serve on the other committee, and if he consented to this it might be supposed that he attached more importance to one case than to the other. Besides, he had not refused to serve on the other committee from any party feeling, but because he was then closely occupied, as he had been that day for five or six hours, in preparing a bill for amending the jurisdiction in controverted elections. He, therefore, begged to propose, in the place of his right hon. Friend, the name of Sir Thomas Freemantle.

Mr. *Jervis* would consult the feeling of the House as to whether he should move the appointment of the committee at once, or give the names in, and move the nomination to-morrow.

The *Speaker* said, it was for the House to decide, whether, as in the case of Mr. Harvey, notice should be given in, or whether the rule should be dispensed with.

Lord *J. Russell* thought, the more regular course would be to nominate the committtee to-morrow.

Committee to be named on the following day.

ECCLESIASTICAL DUTIES AND REVENUES BILL.] On the Order of the Day for the

Second reading of the Ecclesiastical Duties and Revenues Bill being read,

Lord J. Russell moved, that the Clerk at the Table do read certain extracts from Addresses in answer to Speeches from the Throne, relating to Ecclesiastical Reform.

The Clerk having read the following passage from the Address of the Commons in answer to the Speech from the Throne, at the opening of the Session of 1833:—

> "Our attention will also be directed to the state of the Church, more particularly as regards its temporalities and the maintenance of the clergy; that we are aware of the complaints which have arisen from the collection of tithes, and that in any change of system which may in consequence appear to be necessary we shall be anxious, without diminishing the means of maintaining the established clergy in respectability and usefulness, to prevent the collision of interests and the consequent disagreement and dissatisfaction which have too frequently prevailed between the ministers of the Church and the parishioners: we shall also be ready to consider what remedies may be applied for the correction of acknowledged abuses, and whether the revenues of the Church may not admit of a more equitable and judicious distribution," &c.

Lord *J. Russell* said, he would move, that the passages in subsequent Addresses be entered as read; and in moving the Second reading of the Ecclesiastical Duties and Revenues Bill, said he had asked the Clerk at the table to read several extracts from the Addresses agreed to by the House in answer to royal Speeches from the Throne made during past years, because he wished to point out to the House, before it entered into the consideration of this important bill, that measures for Church reform had been under the consideration of different Governments; that they were first proposed by the Administration of Earl Grey; that then, after the appointment of the Ecclesiastical Commission, they were subsequently noticed in the Speech made by the advice of Sir R. Peel during his Administration; and, lastly, that it had been before this Session, and likewise in the present year, recommended to the attention of Parliament by the Administration of her Majesty. He wished to point out these recommendations to the House, because he thought that in several discussions which had lately taken place, it seemed to be doubted whether measures for rendering more efficient the Established Church had met with the recommendations of so many persons holding high situations in the Government of the country, who had, as it were, without any difference of opinion, agreed in recommending to the House the consideration of this important subject. In addition to those who had held high office in the State, the recommendation which had been made by the Church Commission had likewise received the sanction of the two Archbishops, the Bishop of London, and two other esteemed prelates of the Church; and he might say, therefore, that with these recommendations, the bill came before the House with as great authority, both political and ecclesiastical, as any measure that had ever been recommended to the House; and, perhaps, with greater authority than any. But, as this subject had been much discussed in the beginning of the present year, he felt that it might be useful to take some retrospect of what had been done upon the various subjects thus recommended to the attention of Parliament. One of the evils which was considered the most prominent in connexion with this subject, and which was pointed out by every writer on the subject, as well as by many who took part in political life, was the great inequality in the revenues of the bishops. When in the year 1833 these measures were first recommended to Parliament, there was the bishopric of Durham, with more than 20,000*l.* a-year, and another bishopric with 11,000*l.* a-year, another with 900*l.*, or at most with 1,200*l.* a-year; Rochester with 1,500*l.*, and Exeter, Hereford, and some others, with between 2,000*l.* and 3,000*l.* a-year only. In consequence of this inequality and the inadequacy of the revenues of some sees, numerous benefices and dignities had been attached *in commendam* to the revenues of those bishops who held the small dioceses. This practice, undoubtedly was considered a very great scandal to the Church; it was undoubtedly considered that those who held these appointments had their time fully occupied in their bishoprics, and were therefore unable to attend to the duties of their benefices or other dignities of a prebendal nature. Therefore one of the first measures of Church reform recommended by a Government which preceded the present, went to provide that some of the revenues should be applied to another to make up the income, so that neither should there be a great excess of income on the part of some bishoprics, nor a deficiency of income on the part of others. In consequence of this, the see of Durham has been reduced to the income of 8,000*l.*, and the surplus revenue of the diocese above that amount had been applied to other sees. The next measure to which the attention of Parliament was directed, had reference to the much-litigated subject of tithes. The revenues of the clergy in tithes was a matter which exposed them to constant disputes and quarrels with their parishioners; the system made their incomes extremely uncertain: it caused their stipends to be less, according to the kindness and indulgence of the incumbents in remitting their tithes; and it caused those incomes to rise according to the strictness with which the incumbents exacted their rights. A bill had accordingly been passed through Parliament to deal with that most important subject, and the Commission, which had now been in operation more than two years and a-half, had already confirmed 2,190 agreements, giving an income to the holders of tithes of about 750,000*l*. He would not insist on any calculation with regard to the amount of income thereby secured to the clergy, but what he did insist upon was this, that the clergy, by this method, were receiving an income which was now far more certain than formerly, and which was greater in a number of instances. It could not then be said, that this had worked any money disadvantage to the clergy; for though it disarmed them of their right to press on the agriculture of the country, and to take the tenth of the production of the land, still they received a certain income without dispute or quarrel, and for the present those incomes had been, he repeated, augmented in numerous instances. The next measure recommended, not by the Government alone, but by the Government in connexion with the Church Commission, was the bill of last year with respect to pluralities and non-residence, which went to remedy one of the most crying evils of the former state of things. If anybody would consult the book called the *Clerical Guide* for the year 1836, he would see the names of a great many persons holding together more than one dignity and living —in short, that a great number held no less than five different preferments in the Church; a still greater number held more than four; and a very great number held three preferments in the Church. According to the Act passed last year, this abuse was remedied, and it was enacted, that in certain cases no clergyman should hold two livings, or more than one cathedral preferment with a living; and there was, in that measure, this further restriction, that no clergyman could hold two benefices which were distant from each other more than ten miles, or if his amount of income exceeded 1,000*l*., then he was incapable of holding those two livings together. There were various other provisions, some of them most important, in that bill—provisions for uniting small livings—for disuniting inconvenient unions, and for building glebe-houses; in short, that bill made very great alterations in the rules with regard to exemption from residence, and also with respect to the holding of pluralities. These, then, were the measures which hitherto had been introduced and passed through Parliament, and, considering the very great outcry which had been made upon the subject, he thought it could hardly be denied that these measures, instead of diminishing, had augmented the revenues and influence of the clergy; they had not restrained any of their proper privileges, but had only restrained abuses — they had not been a source of weakness, but of strength to the Church, to which in no way had they been injurious. He came then to the measure now proposed to the House, a measure affecting cathedral dignities, and proposing the means by which very small livings might be increased, and additional incomes provided for the clergy in populous towns and places where at present there were neither churches nor incumbents. The calculations of the Church Commissioners were, supposing that certain livings should be raised to an amount not very extravagant, but raising those of 300*l*. a-year (which were under 2,000 livings) by 150*l*., and also supposing that the stipends of parishes containing a population of 10,000 were raised to 400*l*.—that a sum of 145,195*l*. would be required, and that supposing, instead of 400*l*., those who had these large livings only had 300*l*. per annum, still 130,495*l*. would be requisite. The report of the Church Commissioners stated, that a great number of parishes in London and the dioceses of York and Chester were without spiritual instruction, and it was on these grounds that the Commissioners took into consideration the means by which these great evils might in some respects be remedied. It did not, however, appear to them certainly, nor did it appear to any who had objected to their plans, that it would be practicable for Parliament to give any large sum out of the revenues of the State, as the University of Oxford had prayed, in order to supply the existing deficiency of religious instruction. He thought, if such a grant were asked, the spirit of Parliament and particularly of that House would have said, "Before we augment out of the funds of the public any of the small livings—before we open new incomes and new benefices, we must see whether there is any part of the splendour of the Church which is superfluous—whether or not some of the incomes of the clergy are unnecessary." Proceeding on their own view, the Church Commissioners had examined into the state of the cathedral foundations in this country, they had found that those on the old foundations, the canons not residentiary, had in fact no duties to perform, or held the preferment generally on the performance of the duty of preaching one sermon in a year, or some other similar duty. There were again many others whose attendance at the cathedral though constant, did not seem necessary for the performance of the duties of the Church. The Church Commissioners, therefore, considered whether they could provide those things which were necessary for the cathedral service, and for the due reward of clergymen of exemplary and distinguished piety by preferments under the Crown, and at the same time secure a fund which might be available to supply the spiritual wants of the country. They unanimously agreed, that it would be sufficient to have a dean and four prebends attached to each cathedral; that by means of those clergymen and four canons the cathedral service might be duly and regularly performed; that these preferments would supply a sufficient number of rewards, and that the rest of the revenues might properly be applied to the more pressing wants of the Church. He had seen nothing in the objections made to the scheme, and which had been published in pamphlets, or reports of speeches, which induced him to alter the opinion which he, as a Member of the Commission, had agreed to. It was true, that there might be some cases of hardship arising from this proposed change, particularly in Wales, but altogether he did not think there was any mode by which the object could be better accomplished than the one proposed. He had already stated, that it would be impracticable to ask Parliament for any great increase of the funds of the Church until the question of cathedral preferments was examined into, and any surplus they could afford to spare was ascertained. There was, indeed, another mode which might have been proposed, and which seemed from the first report of the Commissioners to have been considered. That mode consisted rather in applying tithes and other revenues to the use of the places only whence they arose, and not allowing of their application to other parts of the country and to large towns. That question had been ably treated by a person now, he lamented to say, no more, but whose name deserved universal respect and reverence—he meant the late Bishop of Litchfield and Coventry, than whom a Prelate of more zealous piety and attention to discipline never existed in the Church. That right rev. Prelate dissented from the latter plan, which in his opinion, would be unsatisfactory to the community at large, and concluded by suggesting a middle course, and giving a scale by which he took care that where the tithes and revenues were derived from a parish, at least 100*l.* per annum should be applied to that parish, and that the remaining income should be applied to the general wants of the church in populous towns and places in the country where the incomes of the clergy were small. Now, without laying down any scale, he might say, he thought the proposition of the Church Commissioners, as contained in the 59th Clause of the bill, would carry into effect that which the late Bishop of Litchfield and Coventry had in contemplation. It was proposed by that clause, that any sums derived from the diminution of prebendal and other sinecures, and of sinecure cathedral preferments and rectories, should be applied, after a due consideration of the wants of the places in which they accrued, to the general wants of the clergy. The Clause was in these words—

> "That the lands, tithes, hereditaments, monies and revenues, to be vested in, and paid to the said Ecclesiastical Commissioners for England, under and by virtue of the provisions of this Act, shall be, after a due consideration of the wants and circumstances of the places in which they accrue, from time to time applied by the authority hereinafter provided to the purpose of making additional provision for the cure of souls in parishes where such assistance is most required, in such manner as shall be most conducive to the efficiency of the Established Church."

In that manner the income which would be derived from the suppression of these unnecessary parts of the Church Establishment would be made of very great use in the pastoral instruction of the people. He had already stated, that the sum of 130,495*l.* would be required to raise livings to the scale mentioned in one of the reports of the Church Commissioners, namely, 300*l.* per annum, and the total produce from the fund proposed to be raised by this bill would be 134,251*l.*, and, therefore, there would be means from that fund of gradually supplying the pressing wants of the Church. There were other wants in the cases of benefices in private patronage, and of large towns with immense populations forming but one parish. For these wants, however, the present plan did not provide; but he thought that when these exertions on the part of the Church—these sacrifices made by those who had the patronage, both lay and ecclesiastical, were seen, that there would be great exertions made by the people at large, as, indeed, had already been seen, and that those wants would, to a considerable extent, be thus supplied. It was well known, for instance, his hon. Friend, the Member for Middlesex (Mr. Byng), had, in one year given 2,000*l.* to the general fund for the erection of churches, besides contributing between 4,000*l.* and 5,000*l.* previously given towards the erection of different churches. There were, besides, great numbers of persons who had subscribed in proportion to the wants arising from increase of population, but he certainly thought that if the Church had said, as it was proposed by the University of Oxford to say,—" We will keep up every establishment in the Church; we will keep up twenty prebendaries in one place, and fifteen or sixteen in another—in short, we will maintain all the sinecures," then it would be hopeless to expect that private individuals would make any efforts, or that these benefits from voluntary contributions ever would arise. With respect to various objections which had been made to this bill, he certainly did not think it necessary to enter into them, although when they were specifically stated in the House, he should be ready to meet them. There was one objection which had been made, but which he felt it would be impossible to raise now in any consistency with the Acts of Parliament affecting the Church of the country. It was said by some persons that Parliament ought not to deal with this matter at all, or in any way to interfere with the revenue of the Church. He believed such a course would be totally inconsistent with all legislation from the time of Henry 8th to the present day. There had constantly been such a connexion between the Church and the State, that while the State held an influence over the Church, Parliament had from time to time interfered in the regulation of the affairs and of the revenues of the Church. There were no doubt other objections stated by the members of chapters to any diminution of their number, but on examining their statement, it would be found, that what they describe as chapters, were not the chapters which now exist. They said, that the chapter was a council to the Bishop, but he did not believe, that for upwards of a hundred years any bishop had used them as his council. There was also another suggestion contained in one of the pamphlets which had been published on this subject—that the persons holding stalls in cathedrals might go round all the parishes in the diocese, and that the people would be glad to hear from one of the dignitaries of the Church, a confirmation of those doctrines which they were accustomed to hear from their own parish minister. He owned that he did not think this was ever done at present, or if done, he could not think such a practice would either be agreeable to the incumbent, or that dignitaries would be justified in asking incumbents of parishes to give up their pulpits to their use. He did not know, that now, in moving the second reading of this bill, he need go any further into the subject; he had stated the outline and principles of the bill: but not those particulars which formed the details of the bill. The principle of the bill was to leave the cathedral establishments in what the Church Commissioners, including the Archbishops of Canterbury and York, and other Prelates, considered an efficient form, and at the same time, to procure a considerable sum for the supply of those spiritual wants now felt in populous districts of the country. As it was a reform, which, as he thought, would tend to increase the affections of the people towards the Church establishment—as he believed the ministers of the Church would not lose by it anything really of use to them, but would gain much by the example that the Church did not wish to retain anything at all useless, he trusted the House would have no difficulty in giving its assent to this bill. Certainly, if he were to consider only the interference with the patronage of the Crown and the patronage of the Bishops in their respective sees, he should not have proposed any scheme of this kind. The sacrifice made by the Crown, was to the extent of 50,000*l.* per annum, patronage, and there was a still greater sacrifice made on the part of the Bishops, but he did not propose this bill with a view to promote the interests either of the Crown or the heads of the Church, but with the view of increasing the efficiency of the Church Establishment, and of adding to its usefulness. The noble Lord concluded by moving the second reading of the bill.

Sir *R. Inglis* observed, that the noble Lord having stated all the measures which had been recommended by the Church Commissioners, it was not necessary for him to follow the noble Lord through any details of the measures on which the sanction of Parliament had been obtained. It was enough for him to state, that if the present bill had the merit of consistency with former bills, it would not be redeemed in his eyes, nor would it be less objectionable to the people. His noble Friend had begun with an admission of the great amount of spiritual destitution which prevailed and of the duty of providing for this destitution by every means which came legitimately within the power of the Legislature. This destitution his noble Friend had properly stated to prevail throughout large tracts of the country, and particularly in the manufacturing districts. To the proposition, that it was quite requisite to provide for this lamentable amount of spiritual destitution, he readily assented. Surely, however, he might admit the existence of temporal destitution in the parish of St. Giles without thereby justifying or approving the specific measures which might be proposed for its alleviation, and precisely in that spirit he would proceed to consider the propriety of administering relief to that spiritual destitution, the existence of which was so much to be lamented, having reference to the propriety, nay, further, he would say to the legality of the measures proposed. Would it, for instance, be considered justifiable that for the sake of relieving the temporal destitution in St. Giles's, the noble Lord should levy contributions from all the large neighbouring parishes? And upon the same principle, he would ask, whether, because spiritual destitution pervaded the manufacturing districts, the cathedral property throughout the country should be alienated, not only without the consent of those who held it, but without even the imputation of any crime, or an allegation that any serious misappropriation had taken place? Were they, without, at all events, the slightest proof of any such misappropriation, to be utterly deprived of the control of that property? He had always most strenuously objected to this, which he called a confiscation of property, but to which the Church Commissioners applied the more courteous epithet of a re-distribution. He thought he could see some elder sons around and before him who, although they did not deny the comparative destitution of their younger brothers, would be very slow, indeed, to give their assent to a similar re-distribution of their property, and would be very apt to term it a confiscation. He never for a moment, disputed the existence of a very large amount indeed of spiritual destitution; on the contrary, he asserted it, and was most desirous to see it legitimately provided for; but he denied the justice of taking from the chapter of Durham to give to that of Exeter, or from Exeter to give to Chichester. He maintained, that such a re-distribution amounted to a virtual confiscation. The proposed bill was inconsistent with the original intention which was stated upon the appointment of the Ecclesiastical Commissioners. Three objects were stated. The first was, that the fullest consideration should be forthwith given to the state of the several dioceses throughout England and Wales, with reference to the amount of revenues, the more equal distribution of episcopal jurisdiction, and also the more equal division of benefices and of the cure of souls. This object had been met by what he thought was a great sacrifice of principle by the bill which had passed through that House three years ago. The third object was to provide in an especial manner for the cure of souls, with a particular reference to the residence of the clergy within the limits of their respective benefices. This object would be attained in a great degree by the measure which had been introduced by his noble Friend last year. But when his noble Friend now introduced a bill for the better distribution of ecclesiastical revenues, how could his noble Friend reconcile the provisions of that bill with the second of the three objects which had been stated upon the appointment of the Ecclesiastical Commissioners? That object was to take into consideration the state of the existing churches in England and Wales, "with a view to provide such means as might render them most conducive to the efficiency of the Established Church." He maintained that it was not to conduce to the efficiency of the Established Church to deprive the clergy of their incomes and repartition them in the manner proposed. But how were they to render the chapters more efficient? Why, if they pleased, by making them endowed schools of theology, or by applying them to any other purpose which was not inconsistent with the objects for which they were founded. In reference to the destitution to which his noble Friend had adverted, he would say, that it was the urgent duty of all the friends of the Church to meet that destitution by every legitimate means in their power. His noble Friend had adverted to a passage in the petition from the University of Oxford, applying for a grant of money, as the most effectual means of providing a remedy for this destitution. His noble Friend seemed to think, that this prayer was hopeless. If it were necessary to make such a call, and if the noble Lord were to shrink from the responsibility, he would not hesitate to make it himself, relying on the good sense and religious feelings of the people of England. Surely, it was not forgotten how, in the midst of the most expensive war in which this country had ever been engaged, a very large annual sum had been voted, almost unanimously—adopted, certainly, with the concurrence of the great body, not only of that House, but the country at large—for this very purpose. Was he to despair, that the nation would return to a sense of its duty, because, for some time past, what he might term a temporary insanity, had prevailed with regard to the Church? He had always been convinced, that there was an essential identity of principle in all corporate property, whether it was vested in lay or spiritual persons. For his part, he could see no distinction whatever between the custos, minor canons, and vicars choral of the cathedral of Hereford, on the one hand, and the corporation of London on the other. If they were prepared to take from the city of London a portion of its property, and allocate it to the uses of the corporation of Liverpool, then, and not till then, would he consider them at liberty to meddle with the property of the cathedral of Hereford. If they agreed, that they were at liberty to appropriate the dock duties of Liverpool to the uses of the corporation of Bristol, then, and not till then, would he admit that they were at liberty to allocate the revenues of the chapter of Durham to the relief of any of the poorer districts in Wales. Therefore it was that, admitting the property of the Church to be not exactly received in the same way, or to be so entirely under its control as was the property of the Dukes of Norfolk and Northumberland, he had always held the property of the cathedral of Durham to be as sacred and secure from any invasion in the shape of re-distribution as the property of the Earl of Durham. He held, that the chapters with which this bill proposed to deal, formed a congeries of corporate bodies—that every one of those bodies was as essentially entitled to the enjoyment and exercise of its own independent rights—he did not now, for a moment, confound corporate rights with those of individuals—as the municipal corporations were entitled to the privilege of independently asserting theirs; and that the rights of the chapter of Exeter were as essentially distinct from those of the chapter of Durham as the rights of the corporation of Liverpool were from those of the city of London. Was it clear, that by diminishing the number of the dignitaries of the Church, they would not be depriving the Church of that large annual accession of persons whose emolument as well as dignity might be some attraction to induce them to enter it; and whose parents, not having any very strong sense of religion in their own hearts, might hesitate to send their children to a calling so clipped of its just and reasonable provisions for their temporal maintenance? There could be no doubt, that some of the brightest ornaments of the Church would never have been sent into the Church by their parents, if they had no reason to expect that they should be enabled to rise beyond that modicum of income which was now proposed. Was the noble Lord aware, that a very large proportion indeed of independent income was introduced annually into the Church? The aggregate income of the Church, notwithstanding all the exaggerations which had gone forth upon this subject, was stated now upon incontestible authority to be not more than 3,300,000*l.*; and the probability was, that the independent private property introduced into the Church, was not less in amount. All the property thus introduced went to the maintenance of those charities by which the clergy had so endeared themselves to the people, of whose interest and affection they had become very generally the objects. In one chapter, with which he was well acquainted, within the last thirty-six years, there had been allocated to the relief of the poor livings in their gift, the sum of 14,000*l.* He knew another chapter, by which the sum of 15,000*l.* had been similarly allocated. All this had passed through the Commissioners for Queen Anne's Bounty.

A sum, in short, of not less than 50,000*l.* had been distributed in this manner by the chapters; and this source of bounty to the Church would be entirely cut off by the bill which was now proposed, which reduced the number of the canons, and, limiting their incomes, deprived them of the physical power of continuing that benevolence which they had exercised so well. There were numerous other instances in which by purely voluntary donations from the chapters, as much good had been effected as could possibly be attained by degrading them into what they would hereafter become—stipendiaries of the Ecclesiastical Commissioners. When the noble Lord introduced his first bill upon this subject, he had been actuated by a better spirit. In moving, on the 8th of July, 1836, that the House resolve itself into a Committee of the whole House, the noble Lord observed, that "it was not the plan of the Church of England, nor did he wish it to be, that its ministers should be considered mere functionaries receiving certain stipends from the State, and having nothing but their bare duty to perform in return."* Now, this he contended, would be exactly the effect of this bill. In the memorial which had been addressed to the Ecclesiastical Commissioners by the custos and vicars choral of the cathedral of Hereford, there was a passage in page 42, to which he would beg to direct the attention of the House. He would premise, by observing, that he held it to be admitted by this bill, that the chapter of Hereford was to be entirely destroyed. The passage was as follows:—

> "They know not, that before the appearance of the report, the resolution to subvert the inviolability of corporate bodies, save for crimes charged and proved, or by their own consent, has ever been openly avowed and acted upon either in civil or ecclesiastical changes, within this realm. Certain it is, that on the late reconstruction of the municipalities throughout the kingdom, a measure allowed on all hands to be bold and aggressive, though their basis was enlarged and the condition of admission was popularised, the principle of perpetuity was preserved, the sacredness of property untouched, and the peculiarities of corporate bodies in no way compromised. Though the wrong done to them may be sheltered from the public eye by the obscurity of the sufferers, or the want of sympathy with objects alien to the popular feeling of the day, yet they cannot surrender the claim to be treated like their more powerful brethren, the privilege of complaint and firm remonstrance against this partiality of wrong, nor the hope which their respect for the Commissioners still keeps alive, that it has arisen from the perplexity of ill-defined claims and a misconception of the strength of their cause, rather than a carelessness of justice, or a disposition to spare the strong at the expense of the weak."

The aggregate income of this cathedral was not more than 4,700*l.* a-year, which was divided amongst such a number of persons, that the average was not more than 83*l.* a-year to each. In his opinion, it would be scarcely worth while for so sorry a saving to sacrifice to expediency the principle of inviolability in the case of the property of this cathedral. He contended, that the destruction—he would not say the reduction, but the destruction, for it was absolutely swept away from the ecclesiastical establishment—of such a body as the choir of Hereford, without any crime having been alleged, or any fault proved against it, was a blow to the establishment of the hierarchy such as no advantage which could be derived from the proposed change, in order that spiritual wants elsewhere might be supplied, could possibly counterbalance. He by no means undervalued the importance of supplying those spiritual wants, but he decidedly objected to this mode of providing for them. If they were to maintain that four canons were sufficient to perform the duties of the cathedral, could it be said that that number was sufficient as a due reward for learning and piety in the Church? Let the House look to the number of distinctions in any other profession. He did not hesitate to call upon the House to view the question in that light, for they must consider human nature in this as in every other case. They must consider how far parents would be guided in the selection of professions for their sons by the circumstance of the connexion being more or less advantageous in a secular point of view. He contended, therefore, that the number to which they reduced the dignitaries of this profession bore too small a proportion to the body at large. In the diocese of Norwich, for instance, they left but six or seven dignitaries for the reduced number of 800 or 900 benefices. He was perfectly well aware that this was rather a low view of the subject, but it was one, nevertheless, which the Legislature, in dealing with this question, ought not wholly to overlook. It was a consideration which led him to the same conclusions as did those of principle, and he, therefore, gave some weight to it, although he readily confessed it was one upon which he would not rely solely, and irrespectively of others. Whenever the State, or rather the power of the Government, interfered with the Church, it had proved detrimental to the Church. The Crown, for instance, had taken away the broad lands of the chapters, and compelled them to take tithes; and it was rather too hard, when the Government had created an evil, to turn round upon those to whom they had done the wrong, and oblige them to surrender their claim to that very property which had been given them in place of those broad lands. There was one observation made by the noble Lord in the course of his speech, upon which he wished to make one or two remarks. The noble Lord stated, that the Crown would give up a considerable portion of its patronage. Now, that he looked upon as a great evil. There was a time when a diminution of patronage in the Crown might have been necessary, but the time would come, and it had, perhaps, already arrived, when the influence of the Crown, so far from being too great, ought rather to be increased. He was of opinion, that any measure by which church patronage was withdrawn from the Crown must be attended with evil, not only to the Crown but to the Church itself. In that opinion, he was supported by no less an authority than the noble Lord himself, whose words he was about to quote. The noble Lord had, on another occasion, said, "Placing Church patronage in the hands of the Crown afforded the means of uniting the Church with the State, and thus gave an assurance that the Crown would take care of the welfare of the Church on the one hand, and on the other, that the Church would not attempt to counteract the general policy of the State." The noble Lord, it would be seen from those words, was certainly aware of the benefit which had resulted to the Crown from this patronage, and it was rather inconsistent, to say the least of it, in the noble Lord now to come forward with a measure completely setting aside that principle. He would say nothing further upon the subject. He felt that he had only discharged his duty upon this, as he had done upon all former occasions, by endeavouring to resist the progress of a measure which, without its being intended, was calculated to work a great deal of mischief. They had converted the bishops from being great proprietors into mere stipendiaries, and they were now endeavouring, by this measure, to do the same with the chapters. He did not mean to say, that those bodies were essential to the existence of the Christian religion, but he did believe, that they were essential to the constitution of the Church of England. He was one of those, therefore, who viewed with deep regret the introduction of a measure having a direct tendency to diminish their influence, and possibly, to terminate their existence; and which, at any rate, would establish precedents which involved a violation of the first principles of property. In conclusion, he must again protest against the doctrine that the property of the Church was to be considered as the property of the State.

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* Hansard, (third series) vol. xxxv. p. 19.

Mr. *Stanley* hoped he should be permitted to say a few words respecting certain hardships in the dioceses of North Wales; which he trusted would induce the noble Lord to modify his bill. The dioceses in North Wales had been formed from benefices in various times, all of them of comparatively recent date, the earliest being in the year 1681. The tithes belonging to parishes containing fully one-third of the whole population of Wales, had already been alienated. In the diocese of Bangor, the Bishop and Rector drew their tithes from a district containing 16,000 inhabitants. There was a parish in Anglesea, which formerly was attached to an archdeaconry, that was afterwards assigned by the late Act to the bishopric of Bangor. Some time ago this parish was not populous—now it contained 7,000 souls. It produced 900*l.* a year, and had been most ably served for twenty-six years by a most exemplary curate, who from the tithes, and Queen Anne's Bounty, and 60*l.* a year ftom the Bishop, had an income of 200*l.*, while 700*l.* or 800*l.* a year were taken away from the general funds to augment the benefices of England. The length of that parish was seven miles. Those who were not acquainted with the surface of Wales, and judged by the good roads and easy communications of England, would think this a very convenient extent. But, the fact was, a parish of seven miles long in Wales would be half a day's journey. One of these parishes was seventeen miles long, and was held by the Bishop of Bangor, who did the duty by a curate. There were many other cases of equal hardship. As regarded Dissenters, there was no part of Great Britain which required so much attention at the hand of the Government as

Wales. Attention was required not only on behalf of those who belonged to the Church, but also on account of those who had left it, but who, if carefully treated, were still inclined to return to it. Although he was on that side (the Liberal) of the House, he was a friend to the Church, and wished to see it in an effective state. He did not agree with an hon. Member who had asserted that the House had no right to interfere with the Church. He thought the House had a right to interfere, but it should use that right with moderation and for the benefit of the Church. He was certain that the noble Lord was actuated by a sincere anxiety for the welfare of the Church, and that he would not attempt anything that would militate against its interests.

Mr. *Hume* said, there was a slight difference between the relative positions with regard to the Church of the hon. Baronet the member for the university of Oxford and himself, the hon. Baronet being always ready to protect its abuses, he to put them down. Ever since he had sat in that House the abuses of the Church of England appeared to him to be amongst the greatest connected with British Government; and he had never ceased, and never would cease, to point out what appeared to him to be the reason why that Church was the cause of evil instead of good. It was an establishment intended to promote everything that was useful in society; instead of which it had been engaged in fostering prejudice and misapplying the means within its power of benefitting the people. Although he had opposed the noble Lord on former occasions, he begged to say, that it was not so much to the nature of the proposed reform he objected, as that the noble Lord should reform by piecemeal, and begin at the wrong end. He now said, that those who would sanction the payment of 139,000*l.*, to the Bishops of the country, while there were 3,000 livings showing an average of less than 80*l.*, were not friends to the Church. He always had in view the abolition of sinecures and the religious instruction of the people. As far as the present bill went he approved of it, but could not avoid regretting that it did not go further. He hoped that sinecures which were untouched by it would at no distant period be brought under their consideration with a view to their abolition. He was one of those who felt that that which Parliament granted, it could take away. Parliament gave the property to the Church, and Parliament could take it away from the Church. He should be glad to know how the Protestants got possession of the property which belonged to Catholics but through the interference of Parliament. Church property being held by one law, it was perfectly competent for the authors of another law to take it away. He objected to being precluded by any technicalities from carrying out the reforms in the Established Church, for which its abuses loudly called, and which the sense of the country insisted upon seeing realized. Prebends, he thought, should be put an end to, chapters should cease, and the funds hitherto at their disposal should be made applicable to the purposes of national education and the payment of the working clergy. He concurred with the noble Lord in some observations which fell from him, and he was not unwilling to assent to some parts of his bill; he only regretted that the bill did not go further; he regretted that the noble Lord had not the courage to carry his measure to the proper extent. It was deeply to be regretted that the noble Lord had contented himself with carrying out the Bishops' Bill. Nevertheless he should not feel himself justified in opposing the measure before the House, for though it fell far short of the length which it ought to go, it still was of some value. He regarded it as a step towards the object at which every one who wished well to the Church and the country ought to aim—namely, an application of the surplus funds of the Church to the purposes of the general education, and a reduction of the salaries paid to the bishops.

Mr. *Estcourt* said, he could not allow a bill like that to go to a second reading without protesting against a great many of its provisions. He admitted, that some of its provisions went to carry out certain of the recommendations of the commissioners, but at the same time there were many other provisions which were the production of the noble Lord, or of her Majesty's Government. The noble Lord in the course of his speech had referred to a petition presented to that House which bore signatures from every college at Oxford, and had described the tone and character of that petition, as though it were the wish of the petitioners to prevent any alteration in the Established Church, and to resist any improvement. If the noble Lord had read that petition, he could not have failed to have seen, that the petitioners fully admitted the destitute state of some parts of the Church, and the necessity for assistance in those quarters. Those petitioners, in common with the members of the Church generally, did hope for and expect a full inquiry into the state of the establishment, and, at the same time, the adoption of measures to render it efficient wherever it had heretofore been found inefficient. He was bound to make these few observations, feeling, that he ought not to let such a bill, or such a reference to the petition, pass unnoticed. With respect to all that had fallen from the hon. Member for Kilkenny, he should not think it necessary for him to say much, for the sentiments of the hon. Member had been repeated so often, and so often answered, that it would be a mere waste of time to occupy the attention of the House with any remarks upon them. The hon. Member had on that, as on former occasions, told the House, that he wished, for the sake of the Church itself, that this measure should pass. According to his own account, he had no wish to abstract anything from the revenues of the Church, yet never was there a proposition made in that House for anything in the nature of abstraction from the property of the Church, that such measure did not receive the full and cordial support of the hon. Member for Kilkenny. It had been the frequently expressed declaration of that hon. Member and his Friends, that they would never rest satisfied till they had effected alterations in the state and condition of the Church, which must of necessity have the effect of bringing it to the level of an insignificant and inferior sect.

Viscount *Dungannon* observed, that the hon. Member for Kilkenny had gone much further than the hon. Member for the University of Oxford had described him as going, for he declared himself desirous of seeing Church property applied to other than ecclesiastical purposes. He confessed, he should be sorry to see the Church dependent for its support on such provision as it could derive from the liberality o ｆthe hon. Member for Kilkenny. If the bishops were reduced to the incomes which that hon. Member recommended, whence could the charities of the country, and whence could public education obtain the support which they now derived from the incomes of the hierarchy? The hon. Member and his Friends had often told them pretty plainly, that he desired to appropriate the funds of the Church to other than ecclesiastical purposes. In such hands he should be sorry to leave the interests of the Church. As to the bill itself, he certainly felt bound to declare himself adverse to the second reading.

Mr. *Law* did not desire, at that stage of the proceeding to trouble the House by raising any objection to the measure, but he begged it might be understood, that he by no means acquiesced in the principles intended to be embodied in some of its provisions. He thought, that he spoke the sentiments of the constituency which he had the honour to represent, when he said, that they wished to see a salutary reform in the Established Church; that they wished to see it rendered more useful for the purposes of religion, without any infringement of individual rights; neither did they object to means being adopted for promoting religious education through the agency of those who held Church preferment; but he could never bring himself to agree to a measure so sweeping as that which was then before the House; he should reserve his opposition, however, till an opportunity presented itself of dealing with the details in Committee, some of which he considered to be most dangerous to the rights of property and to the ancient institutions of the country. When the proper time came he should move either a resolution or an instruction to the Committee.

Mr. *G. Palmer* observed, that the bill of the noble Lord did nothing for the security of the property left behind. He further observed, that he felt a decided objection to putting into the hands of the commissioners the property of the suppressed prebendaries and canonries.

Mr. *White* was surprised to find the friends of the Church coming forward to oppose a bill of this nature, brought in by the Secretary of State, and sanctioned by two Archbishops, and several of the rev. Prelates: he was as great a friend to the Church as any hon. Member opposite, but he could not avoid saying, that it was impossible for him to support the pluralisms and sinecures existing in the Church, He felt bound for the interests of real religion to come forward and protest against their existence as useless. He thought the bill did not go far enough. He wished to do away with every sinecure of the Church. The noble Lord, the Member for Durham, said, that he would vote against the bill, but upon what ground he could not conceive. He (Mr. White) had the honour to represent a large seaport, and he could assure the House, that there was not church accommodation in that town for three-fourths of the population. Had it not been for the exertions of the dissenters of the county of Durham, the miners, of whom the population principally consisted, would be in a state almost approaching barbarism.

Lord *Clive* trusted, that the noble Lord would postpone the Committee on the bill until after Easter. As the Sessions in Wales shortly came on, and many Members from the Principality would be absent, it would be very desirable, that the Committee should be postponed.

Lord *John Russell* would propose, that the bill be committed on that day fortnight. He would propose then to go into Committee on the bill, so that if no motion was moved by the hon. Members opposite, the bill might be got through the Committee before Easter; but if any opposition were intended to be offered, he would propose, that the bill be reported, and that the further consideration of the report be postponed until after Easter, for the purpose of hearing any observations opposed to it. He did not wish to press the bill in the absence of the noble Lord or any other Members but he could not agree to put off the Committee on the bill for so lengthened a period.

Sir *R. Peel* said, that after the sentiments and opinions expressed by hon. Friends of his, for whom he felt sincere respect, he was bound, under the influence of other obligations, to give his support to the bill. In the observations which he proposed to make, he should confine himself to the principle of the measure, which he conceived to be this, that in the present state of the Church establishment it was desirable, that some portion of the cathedral revenues should supply those acknowledged deficiencies in the spiritual instruction of the people to which reference had frequently been made in that House. The principal provisions of the bill then before them were not materially different from the recommendation of the commission appointed under his own advice. When that Commission was appointed, there was a general opinion amongst the friends of the Church, that the want of due provision for the spiritual instruction of the people was so enormous, that it became the duty of the executive Government to consider the state of the Church in that respect, and to devise a remedy. The appointment of that Commission, consisting exclusively of persons well affected to the interests of the Church, gave almost universal satisfaction. The extravagant demands for alterations in the Church were greatly abated, and there was a general impression on the part of the Church, that whatever reforms should be recommended by that Commission might safely be adopted. If there was less of urgent demand for alterations in the Church at present, that would not, he submitted, be a conclusive reason against making whatever reforms they thought consistent with the security of the establishment. The very absence of impatience and intemperance might have arisen from their proclaimed willingness to make those reforms, but if after the lapse of a short time it should appear, that they took advantage of that cessation of clamour in order to postpone reforms which they themselves might deem not only consistent with the security, but decidedly for the interests of the Church, he could not conscientiously say, that her position would thereby be improved. His hon. Friend the Member for the University of Oxford (Sir R. Inglis) read an extract from the Commission, and intimated an opinion, that the report was not in precise conformity with the terms of the Commission, and the objects it proposed. His hon. Friend read this extract—"And we do hereby authorize and appoint you to consider also the state of the several cathedral and collegiate churches in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church." His hon. Friend stopped there, but the next paragraph was in these words:—"and to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices." So that clearly one of the objects of the Commission was the suggestion of measures calculated to remedy the evils arising from the non-residence of the clergy. His hon Friend maintained a position which certainly at first sight justified his decided opposition to this bill—contending, that it was not competent for the Legislature to pass any measure diverting from the Church any portion of her corporate property. He considered the policy of making a different distribution of Church property entirely depended on the *animus* with which it was introduced and the objects for which the distribution was proposed. While, therefore, he should give to any project for the diversion of one single shilling of Church property to other than strictly spiritual and ecclesiastical purposes his most decdied opposition, still if a measure were proposed which in his conscience he believed was intended to add to the efficiency of the Church, and which appropriated every shilling of the property re-distributed to purposes connected with the spiritual interests of the establishment, he could not say he was prepared to reject such a measure simply on the ground that no corporate property of the Church ought to be interfered with. He would not allow the objection of inviolability to countervail the admitted advantage that would arise from its redistribution. In the deanery of Durham, for instance, whatever might be the emoluments, and however crying the demand for increased Church accommodation, Parliament must never strip it according to his hon. Friend's principle of one single shilling, however great the benefit that might be derived from another distribution. He took the deanery of Durham to be worth 9,000*l.* a-year; suppose it amounted to 14,000*l.* or 15,000*l.*; suppose no interference took place; suppose that in the great towns in the diocese of Durham there were 10,000 persons without the means of attending on the ordinances of the Church; suppose he saw dissent increasing and the most active measures adopted to withdraw from the establishment, those who if they had the means of attending upon her ordinances would be much more disposed to look to the Church for the benefits of religious consolation than the Dissenters' chapel—could he say, "Let the deanery of Durham remain perfectly intact, even if the diversion of part of the income were for the advantage of the see and the Church, while the existence of so great a sinecure might be of serious injury to the Church?" The double objection might apply; the existence of emoluments far above any conceivable duty on the one hand, combined with the greatest religious destitution on the other; he might see the Church suffer, dissent increasing, and the contrast invidiously drawn between the splendour of particular appointments and the destitution of great towns; he must, therefore, say, if he was obliged to come to the conclusion, that there were obstacles which prevented his interference, even in such a case of admitted benefit to the Church, he should come to it as a sincere friend of the Church with the greatest reluctance and regret. When he consented to interference with Church property, it was always to be accompanied with this proviso, he must be convinced, that the interference was for the spiritual interests of the Church and of religion; it was only upon that condition that he would consent to any such interference; but convince him of that, and he should not feel restrained by the rigid application of the principle of his hon. Friend from doing that which he believed in his conscience to be for the general interests of the Church, whose welfare he was anxious to promote. Nothing short of a conviction of that kind would induce him to give his consent to any interference with the cathedral dignities of the establishment. If they were honestly administered; if the Crown would make it a rule that vacancies as they occurred should be appropriated as rewards for great learning and piety, looking only to the advantage that would result to the Church if those distinctions were properly awarded, he should be unwilling to consent to any interference; but he could not look on that side of the question alone. He must look at the state of the Church in other respects; he must look at the amount of religious accommodation, and ask himself this question, had he the means, was there the hope, of supplying the deficiency of religious accommodation, if he refused to interfere with the present distribution of ecclesiastical revenues? His hon. Friend said, they were not to legislate for Utopia; certainly not; and if he thought, having regard to the state of dissent and the division of opinion prevalent in the country, that there could be any constitution of Parliament, from which he could hope for an adequate grant for this purpose, he should be disposed to rely on it, and refuse this measure. But could he believe, if he coupled the refusal to interfere in the redistribution of the property of the Church with a demand for an immense grant to supply the want of spiritual accommodation; could he believe, that Parliament would accede to it? The attempt might be made, the evils might go on accumulating in the mean while, but in the end he believed he should be disappointed; the state of the cathedral establishments would then be referred to, and the preliminary condition to Parliament remedying the evil would be exertions on the part of the Church setting the example in the first instance. That was his honest opinion. Nor could he exclude the other side of the question, and say that without danger to the Church herself they could leave things as they found them, looking both to the state of the metropolis and the small benefices in various parts of the country. He regarded the cathedral establishments with the highest respect; he thought a loss of them, or any interference with their efficiency would be a positive evil. Viewed in connexion with the monarchy, he believed it to be of importance, that the wealth, station, and splendour of the Church should bear some proportion to the wealth, station, and splendour so easily acquired by the other branches of the community in this great country. Such was his opinion. It was only on the balance of evils that he was induced to consent to the measure which the noble Lord now proposed. But was it possible for him to exclude from his recollection this fact, that there were 1,926 benefices in England and Wales under 100*l.*, and 3,528 under 150*l.*? It might be admitted, that the higher situations in the Church should be filled by persons whose pecuniary resources would enable them to maintain their dignity; but was nothing to be done for enabling the 3,528 working clergy to hold a decent and respectable rank becoming their character in society? Could they deny the evil that in 3,528 benefices, the clergy, many of them without a residence, without a glebe-house, had absolutely less than 150*l.* a-year? Could they exclude from their consideration of this case, the fact, that in the metropolis, the very place in which Parliament met, there were thirty-four parishes, with a population of 1,170,000, and church accommodation for only 101,000? in those thirty-four parishes there were only sixty-nine churches, and including proprietary chapels, only 100 places of worship in the whole; whereas, if they allotted a church to every 3,000, there ought to be 379, leaving a deficiency of 279. They lamented the progress of dissent; but where did it prevail? In the midst of a new and increasing population, where no provision was made for their spiritual accommodation; and would they leave the Church in a safe condition by maintaining all her higher ranks and dignities in that splendour in which he wished he could maintain them because he believed they might be advantageously upheld; if they disregarded altogether what was going on amidst the thousands which every day was bringing into existence, and made no provision for introducing them to the Church and attaching them to her ministrations? In Lancashire there were eighty-three parishes with a population above 10,000, the aggregate being 816,000; there was church room only for 97,000, or in round numbers about 100,000; and yet the commissioners justly remarked, that the comparison between church accommodation and population gave no accurate idea of the provision made for the spiritual instruction of the people, because many of the chapels included in the calculation had no district assigned to them, and no minister to perform those ordinary parochial duties which in many cases were of as much importance as attendance on his public ministrations. Seeing this great disparity between the wants of the population and the means provided by the Church, and believing as he did, that the greatest encouragement to the laity to interfere would be the disposition of the great corporate body of the Church to set the example of a liberal re-distribution, confining its application to strictly spiritual purposes, he could not withhold his assent to the second reading of the Bill of the noble Lord. The mere desire to support the authority of those who were appointed by his advice, and who had exposed themselves to every species of obloquy in their determination manfully to state what reforms were required in the Church, would alone have induced him to stand forward on the present occasion as a supporter of this Bill; but that was not the ground on which his vote would be given on the present occasion; it was because, professing the utmost attachment to the Church of

England, believing that danger threatened it from the increase of dissent among the lower orders of the country, and that no decided effort was being made to apply a remedy—despairing of procuring from the public funds any grant at all commensurate with the object to be attained, unless the Church herself led the way, he took at once the position which alone, he believed, could relieve the friends of the Church from the difficulty in which they were placed, and now gave his unqualified assent to the general principle of the present measure, by recording his support to the second reading.

Mr. *Plumptre* said, that if any thing could have dissatisfied him with this bill it was because Members on the other side of the House said it did not go far enough. He thought they ought to learn how far those hon. Members wished to go, and where they meant to stop. His feeling against this bill was so strong, that had there been any intention to divide the House, he should have voted against the second reading.

Bill read a second time.

JUDGES' SALARIES — SUPREME COURTS (SCOTLAND).] The Lord Advocate having moved the second reading of the Supreme Courts (Scotland) Bill, which provides for an increase of the Judges' Salaries,

Mr. *Wallace* opposed the motion. He said it carried into effect none of the improvements which had been recommended by the committee which had sat upon the subject. Of that committe he had been a member; and Lord Eldon, Lord Brougham, Dr. Lushington, and Mr. O'Connell, who were examined, gave it as their opinion, that the great length of the pleadings in writing and printing ought to be much reduced; but that was not effected in this bill. There was another point very objectionable; and that was, that the Lords Ordinary often acted as solicitors and barristers, in preparing the cases they were afterwards as judges to decide. It was most improper that judges should have any other than judicial duties. He put it to the learned Doctor, the Member for the Tower Hamlets, whether it were not most improper. The learned Doctor when asked that question before the committee had declined giving an opinion—but had said to the best of his judgment it was very improper, and the weight of authority was to that effect. The fifth clause of the bill provided two judges to sit in the "Court of Exchequer;" why there was no Exchequer in Scotland—there was a nominal Exchequer certainly, but there was no money in it—and what was the use of putting judges in a court where they would have nothing to do? Great stress had been laid on the abolition of various courts. The judges of these courts were sinecurists, and their abolition would not be looked upon as any great boon, and although a reduction in the number of courts had taken place, there had been no improvement in the manner of conducting the business in those which remained, nor would there be, as long as thirteen judges were retained for the purpose of providing work for one another to do. If the whole of the Judges did their duty in that court, there would be soon no work for them to do. He could prove, that there was no necessity for more than nine judges, and their salaries might be increased by doing away with the remaining four to the great advantage of the business of the Court. One Clause of the bill shifts the duties from one set of judges to another, and allows the judges themselves to determine the mode in which the people of Scotland should apply to them for justice. By the next clause the Tiend Court, the most tedious court of any, was allowed to have nine judges. He would refer to the Lord Advocate, whether four judges were not quite sufficient on the bench at one time for the due administration of justice. By another clause it was provided, that the sittings of the courts should remain as at present, that is to say, five months in the year. The Court of the Lords Ordinary sitting for three weeks longer, leaving in the one seven, and in the other case six months unoccupied. He would ask, whether the provision of the 10th clause was decent or decorous, by which the judges were permitted to determine whether they shall sit or no. This was a new system entirely. It was true, that at the end of the clause there was a provision by which the Queen and Council may, if they see fit, extend the time a month, but he considered it was not very fit to place the Queen and Council after the Judges of Scotland. This was another exhibition of that grasping desire for power, by which the judges of Scotland had always been characterised. He next came to the proposed regulation and increase of the salaries. It was proposed by the Lord Advocate, that the salary of the Lord President should be increased to 5,000*l.* a-year, with 500 or 600*l.* a-year for his clerk, making 5,600*l.* a-year, to be taken out of the pockets of the people. The proposed increase to the Lord Justice Clerk would make his salary amount to 4,600*l.* per annum, in addition to which there was an allowance of 400*l.* a-year for his clerk. He begged to call the attention of the representatives of England and of Ireland to these extensions of salary. He called upon them, because he had no hope whatever that his own countrymen would assist him in his endeavours to introduce a better system of administration into these courts. He did not understand, whether Lord Gillies and the other Judges who at present receive 2,300*l*, a-year, were to continue to receive their salaries, with this addition. He wished to ask the Lord Advocate this question.—As the Lord Advocate remained silent, he supposed they were. This measure renewed the objectionable power, now exercised by the judges, of making laws, called Acts of Sederunt, with closed doors, and of the existence of which the people were ignorant until the penalties were inflicted upon them. No such power existed either in this country or in Ireland, but the contrary was the case in Scotland, for the Acts of Sederunt were not laid on the Table of that House until they had been in existence for three or four months. Referring to the expenses of the justiciary of Scotland, he found that for the last year, there were under the head of general expenses, connected with the judges, 74,443*l.* for general prosecutions; 18,500*l.* for salaries, and the sheriffs about as much more. It was for Parliament to decide, during what length of time, the judges should perform their duties, so as to avoid disrespect, and satisfy the just expectations of the country. He should conclude by moving, that instead of being read now, the bill should be read a second time that day six months.

The *Lord Advocate* was thankful to his hon. and learned Friend, for bringing forward his amendments. He had shown a good disposition, as he always did, but in this case he had shown the most complete ignorance. If he had spent only a month in personal attendance at the courts, he would not have made half the statements they had just heard. Now, he had spent rather more than a month about those courts—about thirty years—and he could say, that neither in the Court of Session, nor in the Court of Ordinary, did the judges do the duties of solicitors. If the learned Gentleman alluded to the preparation of reports, he was right, but then that was a most important part of their judicial duties, which the English judges had also to perform. His learned Friend had said, that there was no Court of Exchequer—that there was no money in Scotland—the latter was perfectly true—but there was a Court of Exchequer, although no money was intrusted to the judges. But many useful retrenchments and reforms had already been made in the Courts of Scotland, and since the death of the late Chief Baron 4,000*l.* had been saved. In other departments, by the reduction of some sinecures and of two judges of the Court of Session 54,567*l.* 9*s.* 8½*d.* had been saved to the country. No one could suppose, that any gentleman deriving 6 or 7 or 8,000*l.* a-year from the bar, would accept the office of judge if the salaries were kept low, and if the proposed reductions were to take place. What was the case with the late Lord Eldon? Was it not admitted, on all hands, that he should have been raised to the judicial seat ten years previously? The fact was, however, that neither he nor any other gentleman in extensive practice would give it up for an appointment which deprived him of a third or a half of his usual income. The question, therefore, came to this, with a salary only such as persons wishing to retire from the bar would accept, was it possible to fill up with efficiency the vacancies in the judicial situations? If, then, none of these five judges were to be reduced, the question was whether any of the four Chamber Judges were to be reduced. [" Hear, hear," from Mr. *Wallace.*] The hon. Member said " hear, hear," as if he assented to that proposition, but he questioned very much, whether it would be advisable to place the whole judicial power in civil cases in Scotland in the hands of three or four individuals. The bill was one of much importance to Scotland, and he hoped it would be allowed to pass.

Mr. *Gillon* felt bound to oppose the bill of the learned Lord, because, in his opinion, there was not one clause in it which was not very objectionable. The learned

Lord had often appealed to the report of the Committee of a former Session, but he did not use it fairly, for he only carried into effect part of its recommendations. He did not equalize either the salaries or the duties of the judges. It was proposed, that two of the judges should attend to the business of the Exchequer. Now, there were only six disputed causes in that Court last year; true, there were 108 other causes, but what were they? Why, the signing of the name of a party to a deed, which might as well be done before any clerk in court. It was now perfectly in their power to have the best men at the bar on the bench; indeed he would go further, and say, that the bench had exhausted the bar. Considering the bill of the Lord Advocate did not carry out the representations he had made, and that to give the judges of Scotland additional salaries would be a wasteful application of the public money, he would support the motion of his hon. Friend, the Member for Greenock.

Mr. *Hume* thought, notwithstanding the complaints made against him by the learned Lord, that he would do him the justice to admit that he had given him and his predecessor, Sir William Rae, due credit for the great good they had effected in the alteration of the law in Scotland. The learned Lord had said, that he knew nothing of the report: for the purpose of convincing the learned Lord that he was wrong, he had brought down that report, and from it it appeared that the judges sat, upon an average, only one hour and a half a day; in such a state of things was it to be said,t hat their salaries were to be increased? He should support the motion of his hon. Friend.

The House divided on the original question: Ayes 139; Noes 21: Majority 118.

List of the AYES.

Acland, Sir T. D.
Aglionby, H. A.
Alsager, Captain
Alston, R.
Arbuthnott, hon. H.
Archbold, R.
Ashley, Lord
Bailey, J.
Baillie, Colonel
Baines, E.
Bannerman, A.
Baring, F. T.
Barrington, Viscount
Bateson, Sir R.
Beamish, F. B.
Bernal, R.
Bewes, T.
Blackett, C.
Blennerhassett, A.
Blunt, Sir C.
Bodkin, J. J.
Bolling, W.
Bramston, T. W.
Bridgeman, H.
Briscoe, J. I.
Brotherton, J.
Bryan, G.
Burr, H.
Busfeild, W.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Major
Chute, W. L. W.
Clayton, Sir W. R.
Clerk, Sir G.
Colquhoun, J. C.
Courtenay, P.
Craig, W. G.
Crawley, S.
Cresswell, C.
Crompton, Sir S.
Curry, W.
D'Israeli, B.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dungannon, Viscount
Du Pre, G.
Ebrington, Viscount
Etwall, R.
Farnham, E. B.
Ferguson, R.
Fitzalan, Lord
Fort, J.
Godson, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, hon. Colonel
Grant, F. W.
Grey, Sir G.
Grimsditch, T.
Guest, Sir J.
Hawkins, J. H.
Hayter, W. G.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodgon, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Humphery, J.
Inglis, Sir R. H.
Irton, S.
Johnstone, H.
Kinnaird, hon. A. F.
Labouchere, rt. hon. H.
Law, hon. C. E.
Lennox, Lord A.
Lister, E. C.
Lockhart, A. M.
Lushington, rt. hon. S.
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Marsland, T.
Martin, J.
Mildmay, P. St. J.
Morpeth, Viscount
Murray, rt. hon. J.
Noel, W. M.
Norreys, Sir D. J.
O'Brien, C.
O'Connell, M.
O'Ferrall, R. M.
Ord, W.
Paget, Lord A.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hon. Sir H.
Perceval, hon. G. J.
Philips, M.
Philips, G. R.
Plumptre, J. P.
Pringle, A.
Pryme, G.
Rice, E. R.
Rolfe, Sir R. M.
Scarlett, hon. J. Y.
Seymour, Lord
Sinclair, Sir G.
Slaney, R. A.
Spry, Sir S. T.
Stanley, W. O.
Stock, Dr.
Stuart, V.
Strangways, hon. J.
Strutt, E.
Tancred, H. W.
Thomson, rt. hon. C. P.
Thompson, Alderman
Thornhill, G.
Troubridge, Sir E. T.
Turner, E.
Waddington, H. S.
Walker, R.
Wilbraham, G.
Wilshere, W.
Wood, Sir M.

TELLERS.
Maule, hon. F.
Steuart, R.

List of the NOES.

Aglionby, Major
Bruges, W. H.
Collins, W.
Davies, Colonel
Dennistoun, J.
Evans, G.
Fielden, J.
Finch, F.
Hume, J.
Lushington, C.
Marsland, H.
Morris, D.
Parker, R. T.
Redington, T. N.
Salway, Colonel
Scholefield, J.

Vigors, N. A.
Wakley, T.
Warburton, H.
White, A.
Williams, W.

TELLERS.

Wallace, R.
Gillon, W. D.

FACTORIES BILL.] Mr. *Fox Maule* moved the second reading of the Factories Bill. He thought it was right that the legislature should endeavour so to amend the present Act that the principle of the law might be clearly defined, and put in such a state that the officers, whose duty it was to administer it, might carry it into effect— such was the object of the present bill. He would proceed to detail as shortly as possible the alterations which he proposed in the present bill to effect. He did not propose any alteration in the principle of the Factory Act. By that principle he meant the age at which children were to work, and the number of hours during which they were to work. There was one important alteration, however, he meant to propose connected with the latter point —viz., that no child should work in more than one factory in the same day. He proposed this because it had been found, by the inspectors of factories, that children were sometimes sent to work for four or five hours in one factory, and then sent to work out the remainder of the time at another, and in nine cases out of ten where this was done, the provisions of the Act were violated. It was therefore proposed that no child should work in more than one factory on the same day. There were other defects in the present law connected with the granting of certificates. By the present act children require a medical certificate of age. But from the vagueness of the law as to the person by whom the certificate should be granted, it was almost impossible that the rule could have any useful effect. Mr. Richards and Mr. Horner proposed that a surgeon should be selected to whom the power of giving those certificates should be intrusted; but even this was not enough to exclude frauds. It was, besides, not lawful to make such a selection; so that with all their caution, these gentlemen could not exclude persons from certifying who called themselves surgeons, though they were often little better than cow-doctors. Part of the present difficulties arose from the obscurity of the Act as to whether the certificate was to be given upon actual age, or upon the appearance of age and strength. This obscurity would be cleared up by the present bill. There were also constant frauds practised, whatever surgeon might be selected, by bringing to him one child and receiving a certificate which was then palmed off with a younger child. It was supposed that the signature of a magistrate would prevent these evils; but, under the present Act, the magistrate gave his signature without seeing the child. Of course this check was practically no check at all. To remedy these evils it was proposed that surgeons should be specially appointed by the inspectors, who should grant certificates. Any regular surgeon would still be allowed to grant a certificate, but a certificate granted by any other than the regular certifying surgeon would be of no avail until countersigned by a magistrate, not being a millowner, who should farther ascertain the truth of the certificate, and the identity of the child brought before him. The present bill proposed also that the certificate should be given at the factory where the child or young person was employed; and it further proposed, what might seem startling to some persons, that the inspector or sub-inspector should have the power to annul any certificate where they had reason to believe that the real age of the child was less than the age specified. These were the remedies and alterations which he proposed for the present defects of the law as to granting certificates. The next question was as to the regulation for the recovery of lost time. He might enumerate from the report of the inspector a very great number of instances in which the grossest fraud which had been practised under pretence of recovering lost time. It often occurred, that one part of the machinery of a factory was moving while another had stopped, and the partial stoppage was made a ground for recovering lost time, thus opening a door to numerous frauds. Sometimes also it occurred when there was some object in having an excess of work at one time, and a deficiency at another, that a pin was taken out of the machinery, which, by that simple process was stopped, and the time so lost, was recovered as lost time. Every consideration had been given to obviate these impositions. By the present bill, it was proposed, that, except where the machinery was moved by water-power, there should be no capability of recovering lost time, nor even then, except when the loss should arise from the total stoppage of the water-wheel from want of water, or from too much water. The next point was one on which many persons were interested—the operation of the schooling clauses. The present schooling clauses were not only inconvenient, but almost entirely useless. In many instances children received no education whatever. Although power was given to inspectors of establishing schools, and of enforcing attendance on them, the execution of these powers was found quite impossible. The present bill proposed, that the hours of attendance at school should continue to be twelve; and these should be spread over the whole six days, so that there should be no working day without at least two hours of schooling. This would prevent the possibility of such practical evasions of the act as confining all the hours of schooling to one day, or counting part of the twelve hours, the hours of attendance at a Sunday school. This bill would further secure eight half holidays in the year. It was also proposed, that no certificate to teach should be valid, if given to any person who should be declared incompetent by the inspector, or whose room should be declared by the inspector an unfit place to hold a school in. It was proposed, that a certificate of attendance at school should be required weekly from the schoolmaster, and no millowner should be allowed to employ a child without such certificate. The bill was also to give power to millowners to unite for the formation of schools, and the agreement between them, with certain formalities, would have a binding power. With respect to meals, it was proposed, that six hours should not pass without at least thirty minutes being allowed for a meal. It had evidently been the intention of the Legislature that Christmas-day and Good Friday should be observed by the children in the same manner as Sunday. But the words of the Act were, that the children should be entitled to a holiday on those days. True, it was left by the wording of the Act to the choice of the children, which was, in fact, leaving it to the necessities of the parents. In the present bill, he had endeavoured to correct this error, by introducing an enactment rendering the observation of Christmas-day and Good Friday as holidays incumbent on the mill-owners. The next question to which he would draw the attention of the House was the increased power which he proposed to give to the sub-inspectors. He understood that this proposition had occasioned considerable alarm to many of the mill-owners; but he considered that this alarm was altogether groundless, because the powers which he proposed to give them by law had already been conceded to them by many of the owners of the factories. The only alteration which he would propose with regard to the inspectors would be, that their powers to act as justices of the peace should cease and determine; but he proposed to give them the power of summoning witnesses and examining the overseers. He proposed to give to sub-inspectors the same power to enter factories that inspectors possessed at present, and which power he proposed to continue also to the inspectors. These were the principal powers with which he proposed to invest the inspectors and sub-inspectors, and they would be found in the 27th, 33rd, and 43rd sections of the bill. The next question to which he would direct the attention of the House was, as to the penalties to be inflicted on mill-owners for breaches of the law; and he could not but express his wonder, that the state of the law on this subject at present had not attracted the attention of the practical lawyers who were Members of that House. At present, a person who worked the children beyond the proper hours, and another who had omitted to hang up in his mill some paltry regulations, were subject to the same penalty. Now, he proposed, that for the punishment of all offences which were punished by fine, a minimum penalty should be fixed as well as a maximum, and that this penalty should be increased for a second and a third offence in an adequate ratio. He would also propose, that mill-owners employing children and young persons contrary to the provisions of this Act, should not be punished as at present, by affixing a penalty to each offence, which might include ten or twelve persons in one class, but that they should be liable to a penalty for each individual so employed. He next proposed a penalty for altering the time books; and he also proposed that the penalty for not white-washing the mills should be at least equal in amount to what it would have cost to have white-washed them. He would further propose that in all cases the penalties should be inflicted in the first instance on the occupiers of the factories, reserving however, to them the power of recovering those penalties from their servants, should they be in a condition to prove that the offence was occasioned by their negligence. Under the present law one-half of the penalty recovered from the offender went to the prosecutor; now, as in most instances, the prosecutor was either the inspector or the sub-inspector; he did not consider it fair or proper that they should have part of the penalties, for the recovery of which they had instituted the prosecution. The remainder of the penalties had been applied at the instance of the Justices for the maintenance of schools for factory children. When the Act first came into operation these portions of the penalties had been given by the magistrates to different schools in the neighbourhood at which factory children were educated. These small amounts could not be considered as of any very essential service to the schools, in fact, they might be said to have frittered these portions of the fines away. Mr. Horlock was the first who had suggested the funding these fines for the purpose of accumulation, by which much good might be accomplished for the schools. He proposed, therefore, that these penalties should be funded and the proceeds applied by the inspectors to the promotion of schools for the education of the factory children. The next alteration which he would propose would be as to the extension of the time for laying informations for offences against the Act. Under the present law all informations must be laid within fourteen days of the time of the commission of the offence. It was scarcely possible in many instances that the inspector could lay these informations within fourteen days. Many offences might take place of which he himself would not have notice in time to lay the informations, and many offenders might, in consequence, escape unpunished. He proposed to extend the time for laying informations to three months. Since their Bill had been in the hands of hon. Members he had been told by many persons that three months was too long, that it was unjust, injurious, and oppressive to the mill-owners. He should be most happy to hear arguments on this subject in the Committee, and if he found that the ends of justice could be accomplished by fixing on a less period, he should be happy to make the alteration. He proposed that all persons occupying new factories should give notice thereof to the inspectors. He would also propose that the inspectors should have the power of permitting the occupiers of factories to compound for their offences, instead of being brought before a magistrate. He did not think that there was any danger in allowing this, because the inspector already had the power of convicting on view; but he proposed to give him the power of representing the case to the occupier of the factory, who might admit the existence of it, but might not have known of it, or it might arise from some accident, and not wishing to injure his character by going before a magistrate, he might consent to pay such penalty as the inspector might appoint. He thought that this was fair to the factory owner. These were the alterations he proposed by the present Bill. He did not imagine there could be many reasons on the part of hon. Members for opposing it, and as there had been no notice of motion in opposition to it, he trusted that there existed no intention of moving an amendment to his motion. He trusted that this Bill would not be considered altogether unsatisfactory to those who had taken up the question of the employment of children in the factories. It was a subject he was aware, upon which much misapprehension had existed, and trivial as it might appear, it had been made a theme of agitation. It had already been made an instrument for stimulating the people against the laws, and he did hope, therefore, that it would be discussed by hon. Members with a view to ameliorate the fate of the children, and put the laws upon a better and more intelligent footing. He trusted that by passing this bill, they would put an end to the uncertainties which at present existed, not only as to the law, but also as to the intentions of the Legislature. He would move that the bill be read a second time.

Lord *Ashley* was glad to perceive that the statements just made by the hon. Gentleman opposite completely justified him in having so repeatedly urged the case of the factory children on the House. The Bill introduced by the hon. Gentleman was a very great improvement on the existing Act, and even on the bill of last year. He completely agreed with the principles, and though he differed as to some of the details, he would not then detain the House by any argument upon them. The only point to which he had a strong objection was, however, a matter of detail, involving a very strong and important principle. It was contained in the 36th clause, which conferred powers upon the inspectors, that if not considerably limited would enable them altogether to set aside the operations of the Act in parts that were of the greatest consequence, for the protection of the children. He also objected to the new plan introduced, as making Sunday as one day under the Act, on which schooling might be attended to.

Mr. *Maule* begged to explain, that under the present Act, twelve hours a-week schooling were necessary, but under this bill, two hours a week at a Sunday-school, in addition to ten hours during the other days would be sufficient, and the attendance at the Sunday-school would not be compulsory.

Lord *Ashley* resumed.—He was most anxious that the existing Act should be improved and carried out according to its intentions. If that were impossible let it be repealed. If the existing measure were, however, really carried out, it would be a great benefit to children employed in the factories. He had other suggestions to offer, which he would reserve for another stage of the bill.

Mr. *Hindley* said, that at all events the hon. Gentleman had been very fair and candid in his address to the House. He had said a good deal about agitation that had been got up about this measure, but then he said nothing about putting it down. He said that this measure would settle the question for some time. He should go into committee with that intention; but if the hon. Gentleman thought he could stop the agitation by a measure which was characteristically a Police Bill, he entertained himself with the most fantastic idea that ever entered in the mind of a man, much less of a statesman. He would not now go into the principles or details of the measure, but would merely confine himself to one or two points. The hon. Gentleman said, that as regarded penalties the existing Act was insufficient, yet in the measure he now introduced, he gave the mill-owners an opportunity of getting off with a fine of 5*l.*, for not having the books of registers ready for the magistrates, whereas under the present Act, if a mill-owner violated the law, he might be fined 100*l.* He also said, that an inspector would have the power of compounding the penalty if the law were violated. Now this was holding out a very dangerous encouragement to the mill-owners, as under it a transgressor might say to the inspector—Sir, instead of bringing me before the magistrates or entering my name in those returns (which the hon. Member for Salford was so anxious to have laid before the House every year), please to take them in money, and do not put me in your report. His hon. Friend had said, that under the present Act it was possible to work children eleven hours consecutively without apprehension, on the part of mill-owners, of being interfered with. This permission, indeed, spoke little of the care of the House for the factory children. But the present bill would permit them to be worked six hours without intermission. Now, he would ask hon. Members who were accustomed to the bar and other engrossing occupations, who knew well what long abstinence was, was it possible or right that children should be made to work six hours without nourishment. Indeed six hours was by far too long a time, and he trusted that when the bill came into committee his hon. Friend would agree to diminish that period. He thought there was a material alteration respecting surgeons' certificates. Now, at present a surgeon certified to the age of a child, and was frequently under the real number of years in his judgment, but the present bill provided that if it were proved that the surgeon was incorrect, it would not be allowed to set the child to work for some time.

Mr. *Slaney* said, that having for a long time felt a deep interest in this question, he had much pleasure in now offering his thanks to his hon. Friend, for the great improvements proposed in his measure. He agreed with the noble Lord that there was something wrong in the details, but he was certain that if the spirit of the measure were generally carried out, it would effect many beneficial alterations, and do much on behalf of the poor factory children. He should not advert to the details of the reports of the inspectors, but it was quite clear that the bill which the House before agreed to was not adequate to prevent children of improper age from being set to work, or all those who might work from being kept too many hours employed, as could be proved in a number of instances, with which he would not now detain the House. Hitherto the form of certificates issued by the surgeon was not sufficiently stringent; so that in many cases, children under the ages of nine and thirteen had been cruelly overworked. Under the new form to be substituted by his hon. Friend, it would be almost impracticable for a surgeon to set down the age of the child at less than it really was. There was only one other point which he would refer to—the clause respecting the education of children. He would venture to suggest to his hon. Friend that the clauses which had been introduced were not sufficient for the purposes he had in view. They required, indeed, that the attendance of the child should be certified—that the master should have a certificate without which the child should not be allowed to work. Unless something more was done, contests would be continually taking place between the master on the one hand, and the mill-owner on the other, that the child should not attend any school, and it was likely the whole thing would be a farce. By the evidence taken before the Committee which sat last year, of which he had the honour to be Chairman, it was demonstrated that the attendance of children at the factory schools was little better than a farce; and he considered the moral and religious education of these children, with the evil example they had before them, of the first consequence to the country. He ventured to impress upon her Majesty's Government the necessity of appointing inspectors to visit those schools, and make due returns of the attendance of the children. The expense would be very trifling, not perhaps more than one or two thousand pounds per annum, and he believed that a sufficient number of inspectors would ensure the due education of the children; and he believed looking at the question as one of economy, the money would be soon repaid to the country. He would not do more at present than mention the point, hoping that it would meet the views of her Majesty's Government. It was proved before the Committee to which he had alluded, that in the three great factory towns of that kingdom, there was no education worthy o the name. In Leeds, there was only one person in forty-one, educated; in Birmingham only one in thirty-eight; and in Manchester, one in thirty-five; whereas it was found requisite on examination, after making every due allowance, that education should be afforded to one in eight. If that small number only were receiving education in Birmingham, Manchester, and Leeds, he would ask how much fewer were the number in other manufacturing towns. The working classes were as sixty-six to one in Manchester, while they were as eighty to one in Ashton, and upwards of ninety in Staleybridge and Dukinfield.

Mr. *Baines* said, the principle of the bill had been very clearly explained by his hon. Friend. It was, that children under thirteen years of age should work forty-eight hours per week, or eight hours per day. If, instead of eight hours a-day, the time had been limited to six hours, he should deem it an improvement, because it would divide the day into more definitive parts. A great deal of confusion had arisen from eight hours being proposed instead of six, because the latter would divide the day into two equal parts. With respect to the agitation of which they had heard so much, the country, he contended was never more free from it. In fact, there was none. Not a single petition had been laid before the House. There were no petitions from either the master or the workmen. In reality they were now legislating under very different circumstances from those under which the bill was first enacted. Then the whole country was in a flame, but now the agitation had subsided. Nothing should interfere with the free course of legislation, and if they did their duty as they ought, they should not suffer any interference from either of the parties interested, either the employers or the employed. At the same time he must say that bill was an anomaly, because he found that only one class of people in the country was placed under these restrictions. The factory masters were placed under restrictions, but there were others who should be restrained in a similar degree. Were not the colliers obnoxious to these restrictions—nay in that city where so much of humanity, so laudably prevailed, where last year the wives and daughters of Members of Parliament were solicited to interfere on behalf of the factory children, if they went into the shops where the milliners and dress-makers of London were employed, they would find a great many more heart-rending abuses than in these factories. It might be said, that was not an abuse because the number of persons concerned was not great. He believed, there were more persons overworked in the milliners and dress-makers' establishments than in all the factories in England. He was told—of course not on his own knowledge—he had been told, that it was not at all an unusual thing for young females of tender age to be employed in those places for twelve, fourteen, sixteen, and eighteen hours in the day. He did not know how the noble Lord could reconcile his indifference to such facts with his professed humanity. The number of persons so employed was larger than of children in the factories, and they had never attracted the attention of his noble Friend. He gave the noble Lord credit for the purest feelings, but he thought his humanity should have extended to those persons who were entitled to his best consideration. There was another point connected with this subject by which the number of hours might be diminished, and that was by making food more cheap; by repealing the taxes on food. Then, instead of having the children employed twelve hours a day, ten would be sufficient; that would apply not only to children but to adults, and he hoped the noble Lord would turn his attention to the subject in the course of his legislation on factories. On the Continent the children were not restrained from working any number of hours in the day they and their masters thought proper to appoint. It was a grievous hardship upon the manufacturers, that they were compelled to reduce the number of working hours. [Cries of "*Question*."] He hoped he was not speaking from the question, but he contended, that the restraints imposed upon the manufacturers of that country tended to banish them to the Continent. If the manufactures were destroyed, what would become of the landed interest? Food was 60 or 70 per cent. higher in that country than on the Continent, and yet the hours of labour were restrained, so that persons on the Continent worked 20 per cent. per day beyond the time the English manufacturing operative worked. These were considerations which the House should not lose sight of. If they proceeded in their present course of legislation, they would drive the manufacturers from that country, and they would place both the manufacturers and the landed interests in a most deplorable situation. If they were to have factory legislation, they could not proceed more wisely than in the course suggested by his hon. Friend, and the restrictions introduced by him seemed well calculated to attain the end he proposed. He had no intention to divide the House; he would support the bill, reserving to himself, when it was in Committee, to offer any suggestions that might present themselves to his own mind, or might emanate from his constituents, who were deeply interested in this measure.

Mr. *Brotherton* could not agree with his hon. Friend, that no legislation was required upon this subject. All his experience proved, that legislation was not only necessary, but highly beneficial. The distinction was very clear between the case of factory children, and milliners, and dressmakers. In factories, both old and young, both weak and strong, were obliged to work together, and at the same time—if one part of the machinery was stopped the whole was stopped; and of course every person belonging to the factory was for the time out of employment. With respect to trades not dependant on machinery, if one workman was taken ill his place might be supplied by another, or his loom, or whatever he might work at, might stand idle—but with spinning factories the case was very different. It was perfectly clear from the number of frauds which had been practised under the late bill, that new legislation was necessary. It was perfectly clear, that there was something radically wrong. He was always in favour of a simple law upon this subject. It was not his object to oppose the second reading of the bill, but in Committee he would hold himself at liberty to propose certain amendments, which, in his opinion, would simplify the bill, and render it more easy of being carried into effect. As his hon. Friend, the Under Secretary for the Home Department, had consented to make alterations in the bill as to the time, he trusted, that he would also make alterations in other respects. He had always been in favour of a Ten Hours' Bill, and he thought that if they were to assimilate the working of cotton manufactories to that of silk mills, it would greatly improve the bill. He should like, that the age should be raised to twenty-one years, according to the regulations proposed by Sir John Hobhouse's Bill, the best which had ever been passed by the House. When the bill came before the Committee he would propose his amendments, and he hoped they would be agreed to.

Mr. *Langdale* wished to speak to that clause of the bill which related to education —that clause was contained in the former bill, but had never been carried into effect. The bill now before the House gave great power to the inspectors, as the children attending factories were obliged to attend the schools approved of by them. Religion must be introduced into their education, and he trusted that some precaution would be taken, that the children would be educated in their own religious persuasion. It was expected that the children would attend the schools erected by the factory masters. In the manufacturing districts, there was a great difference of religion, and he trusted that his hon. Friend would make some provision by which the children would be educated in the principles of religion professed by their parents.

Bill read a second time.

Salmon Fishery (Scotland),] Mr. *Wallace* moved the second reading of the Salmon Fishery (Scotland) Bill.

Mr. *Chalmers* considering the Bill totally uncalled for, would move, as an amendment, that it be read a second time that day six months.

Mr. *Wallace* said, that the bill had been introduced with a view of improving the fisheries generally throughout Scotland; he believed it would be productive of great good, and that it met with the sanction of the whole country; under such circumstances he must divide the House upon the bill.

The House divided on the original question.—Ayes 29—Noes 55.—Majority 26.

List of the Ayes.

Aglionby, H. A.
Bodkin, J. J.
Brotherton, J.
Dundas, C. W. D.
Dungannon, Viscount
Ebrington, Viscount
Finch, F.
Fleetwood, Sir P. H.
Fort, J.
Gordon, R.
Hawes, B.
Hobhouse, T. B.
Morpeth, Viscount
Morris, D.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Redington, T. N.
Rice, E. R.
Salwey, Colonel
Scholefield, J.
Shiel, R. L.
Stanley, E. J.
Stock, Dr.
Talfourd, Serjeant
Vigors, N. A.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.

Wallace, R.
Gillon, W. D.

List of the Noes.

Alsager, Captain
Arbuthnott, Hon. H.
Archbold, R.
Baines, E.
Barrington, Viscount
Berkeley, Hon. C.
Blackstone, W. S.
Blennerhasset, A.
Bolling, W.
Bramston, T. W.
Broadwood, H.
Brocklehurst, J.
Bruges, W. H.
Burr, H.
Chute, W. L. W.
Craig, W. G.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, T.
Du Pre, G.
Easthope, J.
Farnham, E. B.
Fitzalan, Lord
Forester, Hon. G.
Godson, R.
Gordon, Hon. Captain
Grant, Hon. Colonel
Grant, F. W.
Grimsditch, T.
Hastie, A.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Hughes, W. B.
Irton, S.
Johnstone, H.
Lennox, Lord A.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Marsland, T.
Maule, Hon. F.
Pakington, J. S.
Parker, R. T.
Plumptre, J. P.
Richards, R.
Thornhill, G.
Villiers, Viscount
Waddington, H. S.
Wilshere, W.
Winnington, H. J.

TELLERS.

Chalmers, P.
Duff, J.

Bill thrown out.

HOUSE OF LORDS,

Tuesday, February 26, 1839.

Minutes.] Petitions presented. By the Earl of Devon, from Kingsbridge, against the Repeal of the Corn-laws; and from three places for a more easy means of Recovering Small Debts.

Borough Courts (Rules of Proceedings) Bill.] Lord *Brougham* rose to move, that the Borough Courts (Rules of Proceedings) Bill, be committed, which enabled him to introduce a subject to the attention of their Lordships of very great importance, and to which he had to beg, not only the attention of his noble Friends behind him and other noble Lords, but more particularly his much-esteemed and noble Friend near him. He knew, that a noble and learned Friend of his, not then in his place, also felt very much on this subject, and intended to state his opinions upon it. That noble and learned Friend might differ from him on some minor points in reference to the question now about to be discussed, but substantially they agreed with each other. The importance of this subject arose from the great number of bills now before the House, though not a greater number than usually came before the House for the same purpose, namely, to give to particular local circuits and districts, Local Courts. He found there were twenty-one of those bills now before the House. Some were for the purpose of establishing what were called Courts of Requests, and others Small Debt Courts—but all substantially for the same purpose. Some of them were for places whose importance would seem to justify the passing of some such measures, but others were for other places, the population of which, was so extremely small, and the importance of which places was so inconsiderable, that he was by no means prepared to say such bills should be passed for those places. For instance, his noble Friend opposite (the Earl of Devon), had presented a petition that evening from a place called Kingsbridge, praying to have such a bill, and which place he had never heard of before. There were also several other places, such as Hatfield, Glossop, Liskeard, Pontefract, and so on; some of which places were very insignificant and scarcely ever heard of; and it was proposed to establish Courts of Local Jurisdiction in those places, confining the proceedings to certain circuits, and those circuits entertaining causes of debt to a certain amount. So much for the general feature of the case, which consisted in the number of those bills, and the trifling importance of the places for which it was proposed they should be passed. He had now to state to their Lordships very strong arguments against these bills. In the first place, they were in their operation partial—they were varied—they were governed by no one principle, and almost in every one of them the principles were different. There was every variety of detail in the jurisdiction—in the machinery—in the guards provided—in the influence and patronage, and other particulars in which he need not trouble their Lordships. There was, consequently, a series of enactments in which not only no uniformity prevailed, but no well-considered principle adopted by the Legislature was applicable to them, even with certain local modifications which might be deemed necessary. But that was not all—he observed that great as was the variety that governed the frame work of these measures, in no one view of the case were they likely to confer a benefit upon the communities for which they were intended. Then there was a good deal of patronage—three or more officers were to be created by these bills; and from their nature, they were much more likely to be holden by, to have the duties executed by, and the emoluments bestowed upon, persons connected with local interests, persons connected with the place, persons who had never seen the light of Westminster Hall, who lived in the country, having a connection among the local authorities, and likely to be influenced by them. If, then, the establishment of these Local Courts had a tendency to open the door to jobbing (and he thought he was not using too strong a phrase), it would be for their Lordships to consider whether they were measures which ought to be entertained. There was another circumstance that struck him (he was merely running over the heads of his objections), and it appeared to him to be one of the reasons why these bills were so rife. When they saw places like Glossop, Liskeard, Hatfield, and others less known, seeking for these bills, they naturally asked did the demand come from the suitors? There was one class of suitors from which he believed they proceeded—the tradesmen and shopkeepers, and observe for what. Not because justice was thereby to be got cheap—not because it was brought home to their own doors—not because it was speedy in its operation, but because the Commissioners of those courts were whom? The shopkeepers themselves. Every one of those Local Courts, and that was another circumstance, not a variety distinguishing one from another, but an identity making all of the same feature—every one of those courts had for its judges a page and a half of names much more obscure than the places themselves. The shopkeepers of those places were to be the judges, of whom five in one, seven in another, fourteen in a third, and three in a fourth instance, were to be a quorum. And now observe what followed. He did not say, that it was a practice for the Commissioners to try their own cases. But this was done. A. B. C. would sit to-day, and try the causes of D. E. F., then to-morrow D. E. F. would sit, and try the causes of A. B. C. So that there was a constant tendency in favour of the plaintiffs. Even where an assistant barrister presided, the case must ultimately come for decision to the Commissioners, who were the jury. He hoped there was an intention to pass a general bill upon the subject. Some persons thought it was wrong to establish these courts at all. He was of a contrary opinion. But by continuing to establish these courts, a host of local interests was raised up against the general measure which might be hereafter introduced. The Ecclesiastical Courts Bill had been prepared with the assistance of the most learned ecclesiastical and equity judges—but it had never yet passed. Why? Not because any of its promoters had altered their opinion respecting it;—but because there were local interests in almost every part of the country enlisted against it—that is, in every district where a court was established, there were persons whose "occupation would be gone," if the general measure passed. And just so was it with the local courts. He had brought a bill respecting those courts into their Lordships' House, and it was lost only by one vote. He confessed, that he regretted the loss of that bill. He hoped that he should see another of the same nature passed. No one would, with more cheerfulness, surrender the question into the hands of the noble and learned Lord on the Woolsack; who had, if not more information, greater opportunities for acquiring information regarding it than he had. And the measure would come with much higher authority from the Government. He hoped and trusted he should live to see the bill in operation. It had been stated, in a speech from the Throne, to be the Royal wish, and one more worthy of being mentioned in the Royal Speech, there could not be. It was stated by his late Majesty, that he hoped to see speedy justice on moderate terms, and with reasonable and safe dispatch brought home to the doors of every one of his subjects. He need not tell their Lordships the infinite advantages that would be derived from local jurisdiction. The people would have, in the first place, cheap justice; in the second place, they would have swift justice; and in the third place, they would have, which was not less valuable, constant justice, that was to say, constant access—not twice a year only, but constant access to the judge. No measure would more deservedly obtain the thanks of the people than such a blessing as that. Another great benefit that would be derived from the establishment of those courts would be, that they would be able to transact many important matters, which, at present, for want of such courts, were either not done at all, or very ill done, and in a way that gave no satisfaction; or done by inefficient agents, instead of by agents fully accomplished and well qualified. He would refer particularly to the police, the origin of which police was to be traced to times when the agricultural population was thinly scattered over the country; manor courts were then established, high constables and petty constables appointed. The prevention of crime, the seizure of offenders, would be greatly aided by the establishment of such courts as these. It hardly required any observation from him to satisfy their Lordships of that important fact. The establishment of a rural police, which he believed was in contemplation, could not be established satisfactorily, or even with safety to the liberty of the subject, without also establishing, at the same time, and in harmony with it judicial courts. How much better it would be, that the population should have constant access to a good local criminal judge? His noble and learned Friend (Lord Denman), the first criminal judge of the land, so far from being jealous of the establishment of such courts, was convinced that they would prove a blessing to the country. According to the present law, a boy of ten years of age, for stealing a few apples, might be sent to prison by a zealous magistrate; and though his punishment might be, after trial, only a few weeks or days imprisonment, his imprisonment before trial might extend to three or four months, in the company of accomplished felons. He went to gaol, a poor boy, and left it either an accomplished felon, or with an education to fit him for it. The establishment of local courts, such as he contemplated, might also be made auxiliary to proceedings in equity. Much delay, expense, and vexation might be avoided, if, on disputed points, an order was sent down from Chancery, directing that issue should be joined in the court attached to the locality, instead of having it tried in town. There were, he conceived, other branches of equity which would be benefited and assisted by such an arrangement. Many of the inquiries in the Master's-office might, for instance, be sent down to these courts. He should wish that their Lordships would bear in mind that in what he was saying, he by no means wished to undervalue the services of the Masters in Chancery. They were, in fact, the organs of action of the

Court of Chancery. They were the trial by jury of that court. By a bill which he had brought in, he had done all in his power to raise the Masters in Chancery, by placing them on the footing of the judges of the land. His intention was, that they should be as a protection thrown round the Great Seal, and in his appointments to that office he had never made men Masters in Chancery, because the place was a comfortable one. He had never appointed an individual a Master in Chancery, because the place seemed fitted to him, but because he was fitted to the place. As to the idea of any other person applying to the Chancellor, or speaking to him on the subject of such an appointment, he would say, that it would be as great an insult, as great an injustice, and as great a prostitution of power, to allow this, as to allow a person to speak to the Chancellor on the appointment of *puisne* judge; and during the time that he held the Seals he had recommended persons to the Crown for the appointment of *puisne* judge even before the Prime Minister had been informed of the recommendation. As far as regarded this measure then, he did not mean to cast any doubts on the utility of the office of Master in Chancery, but he considered that these local jurisdictions might in many instances more effectually perform the functions of the Masters. He would now draw their Lordships' attention to what he conceived to be the necessity that existed for the creation of the office of Public Prosecutor, or of some office analogous to it. Had their Lordships witnessed the circumstances attendant upon trials conducted by a public prosecutor, the great advantage that the judge, the suitors, and all concerned, derived from the assistance of that officer—the great advantage derived by the prisoners also, in consequence of none but proper bills being preferred, they would agree with him in opinion as to the great importance and advantage to be derived from the appointment of a public prosecutor. He was sure that the Central Criminal Court, the jurisdiction of which extended over upwards of two millions of persons, afforded an admirable opportunity of trying the establishment of a public prosecutor upon a great scale. That court had been found to have effected admirably the purposes for which it was intended. A public prosecutor had, in his opinion, become absolutely necessary since the Prisoners' Counsel Bill had passed, because, in a case where the prisoner employed counsel and the prosecutor did not, the judge who was said to be the prisoner's counsel could hardly do his duty without a little bending on the side which had no counsel, in order that the case might spring into an upright position. In such a case, without a public prosecutor, the judge would be placed in rather an invidious position; and without some plan of the sort to which he had referred was established, justice could not properly be administered. The establishment of Local Courts upon some just foundation would give, in his opinion, great facilities to the administration of justice. A public prosecutor had been found to be of great benefit in the places to which he had referred in the administration of justice, because he believed it had been always found that Grand Juries, with their divided responsibility, had never proved so effectual as a public prosecutor, with his undivided responsibility. He trusted, that their Lordships would excuse him for having occupied so much of their time, but in a case of such great public importance, he considered it his duty to state to the House what his opinions were upon the subject.

The *Lord Chancellor* said, that he entirely agreed with his noble and learned Friend so far as he had pointed out the necessity of having established some well-connected rules and principles for the formation of these courts. He felt persuaded, that nothing could contribute more to the proper administration of justice, than some well-regulated established principles on this subject. Many propositions had been stated by the noble and learned Lord which could not be controverted. So great a deficiency in the several local districts of carrying into effect what ought to be done, both with regard to the civil and criminal jurisdiction, and the multitude of applications brought up for bills, showed what was wanted. It was true the business was sometimes done by local acts, but it was only done partially, and not in a way to effect the due administration of justice. Many of those courts were presided over by commissioners, and unless they had some superior authority over them, such courts were productive of anything but justice. The means of recovering debts cheaply and speedily were but a small part of the benefit to be derived by the community from having a well-established, well-constituted system of local courts. With respect to the courts of Equity with which he, the Lord Chancellor, was more particularly conversant, nothing could be more inconvenient, and nothing more defective, and nothing more expensive, than the course at present in existence of carrying into effect the every-day proceedings of a Court of Equity. To take as an example a matter of lunacy, which, though it might not strictly be considered as a proceeding in the Court of Chancery, yet was a proceeding before the Lord Chancellor; if a commission was to be executed in the country, that commission was merely granted by the Chancellor; but there was no person that he could appoint, or that he could direct, to preside over the execution of the commission. It was necessarily, therefore, directed to commissioners, and whether those commissioners should be well or ill selected depended a good deal on those who were prosecuting the commission. This proceeding was attended with great expense; and it was not known who the persons might be, who should preside over, perhaps a long trial —a trial which would incur great expense, and upon the result of which investigation the fate of an individual, as far as his liberty was concerned, depended. There was no local authority that could be appointed by the Chancellor to govern or preside over such a trial. Then again, as regarded examining witnesses in equity, it was not according to the constitution of that court to have witnesses brought up to London to be examined to save expense, as it was supposed a commission was granted to examine them in the country. But whose duty was it to examine them there? Why nobody was appointed for that purpose, and therefore again commissioners were employed. Then as to taking an answer in the Court of Chancery: there was no person regularly appointed to do that. In short, everything that was to be done, relating to the business in the country, in the Court of Equity was to be transacted by parties selected there—always at great expense—and through them a multitude of the business of the Court of Equity necessary to be transacted was transacted. He would not advert to the criminal jurisdiction. He did not apprehend their Lordships would entertain any doubt, that it was expedient that the criminal administration of justice in this country should be much more frequent than it had been. He did not undervalue the duties of the magistrates of the counties, but if it were necessary, that the criminal justice should be more frequently administered, it could not be expected, that gentlemen would sacrifice the whole of their time for the purpose of trying prisoners and discharging the gaols. Those subjects had been matter of discussion, and their Lordships were aware, that in the course of the last Session, a bill was brought into the other House, but which did not reach their Lordships' House, intended to remedy that evil. He had heard but one objection to such a proposition, and that was the expense. But let them take the administration of criminal justice, and they would find, that if the sessions were only four times a-year, the expense would be much increased, inasmuch as the criminals must remain in prison for one or two months, or at the very least for some weeks. The great object was (independently of the inconvenience and injustice of keeping men in prison untried for any length of time) to lessen the expense of the support of these prisoners. That charge fell principally on the counties; but if any local judicial authority were established which held its sittings continuously, that expense would be altogether avoided. If they had an officer in the country who would execute all the duties growing out of the Court of Chancery, they would thereby save the suitors much of the expense they were now subjected to, and effect a great public good. In such a case they were not to take into account only the increased charge on the country, but how far the community at large would be benefited. It was impossible to enumerate the multiplicity of affairs which might be discharged by such an officer. The first object was, to see such an officer established, and if established, there would be no difficulty in finding business for him. The great difficulty would be to find an officer capable of transacting all the business that would be thrown upon him. He had been anxious to have such an officer, and was glad the subject had been taken up by his noble and learned Friend, and brought under the notice of their Lordships, because he deemed the establishment of such an officer of public benefit.

Lord *Abinger* said, that when any specific measure should be brought forward in reference to the subject which the two noble and learned Lords who had just spoken, had submitted to the consideration of the House, he should then be prepared to discuss it; for he thought that that would really be the proper time for the discussion. In the meantime he must protest against any general declaration of opinion being taken to bind him to the approval of any particular measure that might be introduced. He must be permitted to say, that nothing was more easy than to find fault with existing institutions, for it was impossible for any human institution to be perfect; but before they destroyed what existed, they ought to consider well the advantages of what they proposed to substitute. He recollected, some few years ago, to have heard, in the House of Commons, most eloquent declamations uttered against the existence of local jurisdictions, until at last the House of Commons was schooled into their abolition. That, however, passed some time ago, and now it seemed that the period had arrived when all that was then done must be undone, and local jurisdictions again be established. Without at all denying, that there might, under the present system, arise expenses to suitors and other persons, which, under a new system, might be got rid of, he nevertheless thought that the establishment in each county of judicial tribunals to try causes would create great inconvenience, from the diversity of their decisions, and would finally raise a clamour in the country against the system. A fashion had now begun, too, of making the institution of grand juries a topic of declamation. For his part, he must say, that he never would consent to the abolition of grand juries. He was of opinion that the institution was of the greatest benefit to the country. It brought the people in daily, nay, hourly, connexion with the administration of justice; and nothing could be more advantageous for the security of property and life, than that the magistrates of England should frequently intervene in the administration of justice. It was now said, that the administration of criminal justice was not so frequent as it should be in each county, and that therefore some new judge must be appointed. Whether there might not be an advantage in having a judge to preside at quarter sessions, he was not prepared to say; but he protested against the cry, which, ascending from low to high quarters, was now beginning to prevail, that the interference of the people of England in the administration of justice should be dispensed with; for, whatever inconvenience or expense might attend the existing system, the advantages greatly outbalanced, in his opinion, the disadvantages. He thought that the jurisdiction of the county magistrates ought to be upheld and encouraged, instead of weakened or destroyed. Of course he could pass no opinion on a measure not yet before the House; and he had only risen to address their Lordships, in consequence of the speech of the noble and learned Lord, which, however, had no connexion, as far as he could see, with the bill now about to be committed.

Lord *Denman* expressed his satisfaction that this Bill had given rise to the presen discussion, which he could not but consider had been of the greatest importance, because it was a subject which required and demanded the fullest and most complete consideration. He thought his noble and learned Friends had stated defects of considerable magnitude, and he did not think the remedy was ever thought of until those defects were made known as a grievance among the public generally. He did not think the present was an occasion on which he ought to give an opinion of his own as to the remedies to be applied to those serious grievances. He was disposed to think, without pledging himself to any particular measure, that this bill did not interfere, in any degree, with any plan, which might be devised for the future improvement of the administration of the law. By the Municipal Corporation Act, the right of regulating and approving of such rules as the judges of the inferior courts might recommend was given to any three of the judges. A Committee of the Judges had met last term, and the result was, a bill had been prepared, which he would have the honour of laying before their Lordships. That bill would be applicable to courts in general, and it proposed that every action in the inferior courts should commence by writ of summons, and that there should be frequent holding of those courts. He did not think any objection could well be made to the bill, but he had no doubt, their Lordships would, under the circumstances, think it ought to be received.

The Earl of *Devon* said, they were not called upon to decide whether the officer proposed by the noble and learned Lord should be appointed. He was an old chairman of Quarter Sessions, and he was sure that the magistrates would not stand in the way of any improvement of the law. The subject of the trial of offenders came under the consideration of a Committee of their Lordships' House last year, and he had been directed, as their Chairman, to submit a bill to their Lordships, and he had only forborne presenting that Bill, by finding, on the Votes of the other House, that the noble Lord, the Secretary for the Home Department, had given notice that he should bring the subject before that House. He thought that, concurrent with this bill, they ought to have regard to the question of the summary conviction of offenders.

Lord *Langdale*: Although there may be some irregularity in this incidental discussion, I am very glad that it has taken place, because I cannot help hoping that some public advantage may arise from the various suggestions which have been made. I do not mean to trouble your Lordships by discussing or expressing any opinion on the general question of Local Courts, but confining myself to that part of the subject with which I am most familiar, I hope I may be excused for expressing my opinion that for facilitating proceedings and inquiries in the Court of Chancery, there is great need of local authorities both ministerial and judicial. The jurisdiction of the court extends over the whole country, and many things are to be done personally by persons required to obey the orders of the court. When a defendant has appeared he has to put in his answer. In London, there are proper authorities to receive the answer with the sanctions required—but all defendants cannot come to London, and in the country there are no permanently constituted authorities by whom the answer can be taken; and to supply the defect, it is necessary to create a competent authority on each occasion by commission; and when the answer is taken by such authority, there are no regular means provided for its conveyance to London: the party is to find a messenger who will carry it to London, and swear that he received it from one of the commissioners, and has since kept it in his own possession; and, notwithstanding the difficulties which sometimes occur in getting this done, the party is held to be in contempt if he does not perform it in a limited time. Again when witnesses are to be examined, there are proper officers established to perform that duty in London, but none such in the country, and this defect has to be supplied by creating an authority for each occasion, or in other words by issuing a commission. And the commissioners, who are not always the most competent persons, have too often the means of making the execution of the commission subservient to their own convenience or pleasure. Great unnecessary expense is occasioned to the suitor, and when the depositions are taken, a messenger is to be found to convey them to London. Besides these, there are many other ministerial duties connected with the proceedings in Chancery, which must be performed in the country, where there are no permanent or regular authorities provided to perform them; and I cannot help thinking that the suitors and the public have great reason to complain, that a remedy is not found for defects which can hardly be considered otherwise than as grievances. What reason can be given why officers should not be provided to enable suitors living at Carlisle, or Liverpool, or in Cornwall, to swear their answers and examine their witnesses in their own neighbourhood, and have their answers and depositions officially conveyed to London? I have never heard a reasonable objection to such ministerial duties as I have referred to, being intrusted to permanent local authorities. Various ministerial duties are intrusted to local authorities created for each occasion, and there seems to be no reason, why they should not be intrusted to local authorities created for all such occasions, and steadily subject to the authority of the court in London. But I go further, and think that other duties having more of a judicial character, might well be intrusted to such local authorities. When long accounts are to be taken between parties resident at Liverpool, and all the books and documents which relate to the subject, and are often very numerous and bulky are at Liverpool, and all the witnesses who know anything of the matter are also there, why are every body and every thing necessary for taking and verifying the account to be brought to London? My Lords, I am persuaded that such regulations might be framed, and such a system of control established, as would make it perfectly safe and satisfactory to the suitors, and a great saving of expense, to have many operations of this kind, and many important inquiries, conducted in the country—but for this purpose you must have competent authorities; and I rejoice at the discussion which has taken place to night, in the hope that it may lead to such authorities being provided.

Lord *Brougham* concurred with his noble and learned Friend who had just sat down in the satisfaction he expressed at the question being brought under the notice of the House, and he believed that he was perfectly regular in his proceedings, as he had given notice of his intention to make the statement last night, and he was happy in any way to be the instrument of stirring such a question, and calling their Lordships' attention to it. He had heard the speeches of his noble and learned Friends, and it filled up the measure of his self-gratulation to find that they agreed with him that some change was necessary. Allusion had been made to a speech delivered by him in the other House, and he was proud to say, that in looking over the points of that speech, he found that only one recommendation contained in it was not now the law of the land.

Lord *Abinger* had not made any allusion to the speech of the noble and learned Lord; he had said, that he had heard long and eloquent speeches in another place upon the subject, but he had not said that it was from the noble and learned Lord.

Bill went through Committee. Report to be received.

GRANTING PARDONS (IRELAND).] The Earl of *Charleville* said, that notwithstanding the reply of the noble Marquess last night, with regard to the granting of certain returns, he found on looking at the papers, that the object which both the noble Earl who had just left the House, and the noble Marquess professed to have in view, that of seeing who was right, and who was wrong with regard to the proceedings which had taken place in Ireland, could not be accomplished, unless the returns for the two preceding years were granted. He, therefore, stated, that he was authorised by the noble Earl, who had first left the House, to give notice of motion on his behalf for the production of those returns, in addition to those to which he had already alluded. He wished to know whether the noble Marquess objected to the production of these returns with regard to the first point on which difference of opinion had taken place last night between the noble Marquess and the noble Earl.

The Marquess of *Normanby* had no objection to give the returns asked for; in fact, he rather wished that they should be carried back even beyond the two years, because he was anxious to show that he had followed the same precedents as his predecessors. He again repeated, that he had not the slightest objection to grant these returns. He would just say, in allusion to what the noble Earl had said, that there seemed to be some doubt in his mind as to the identity of the person alluded to; that he had observed that he was not aware of the circumstances of the case, of which, no doubt, the noble Earl was aware, he having made them the subject of investigation. A medical gentleman who had called on him to-day, had told him, that although he could not recollect this precise case, yet he perfectly well recollected that at the time the hulks were broken up, certain of the convicts had been transported to Kilmainham gaol, in consequence of medical certificates stating that they were not in a fit state to be transported. He was too much used to the exercise of this power in Ireland, to state at first whether Coghlan was or was not one of these persons, although he took it for granted, from what the noble Earl said, that he was one of them. He had no objection to acknowledge that he was sorry mercy had been extended in this case, if the case were as bad as had been described by the noble Earl. With reference to the returns, he could have no objection to granting them, although they would not show the whole of the reasons for the commutation of punishment. The certificate of the surgeon constituted only one ingredient in enabling the Government to come to a decision—there were many other causes and considerations which influenced the Government in their decision. With reference to the officer of the medical department, on whose individual declaration it had been said he had acted, he would state, that there was also the surgeon of the transport, who certified as to the inability of the convict to undertake the voyage. In this case the Government had no discretion; and they referred this certificate to the medical officers of the Government, in order that they might ascertain the existing state of the disease, and whether it was of such a nature as to render it unlikely that he would ever be able to undertake the voyage. These certificates were the acts of public officers, and formed one ingredient in the decision to which the Government came on the subject.

The Earl of *Charleville* said, that no doubt one of the reasons for asking for a more extended return was, the number of prisoners let out by the noble Marquess in the years 1835 and 1837—many persons under sentence of death had been let out on those occasions—others under sentence of transportation for life—others under sentence of transportation for fourteen years—others under sentence of transportation for seven years, had been also liberated by the noble Marquess, and out of all these cases, in only forty-one instances, had bail been required. In the case of Coghlan he would not now dispute as to the validity of the medical certificate, when it appeared, according to the noble Marquess's own showing, that in this instance he had pursued an unusual practice. It appeared, that there had been a regular rule with regard to the commutation of punishment, but in this instance Coghlan, a man of bad character, had been let loose without undergoing the three years' imprisonment to which his sentence of commutation ought to have been commuted, and even without being called upon to find bail. Michael Ryan had been described as an old pensioner who had lost his leg; it would have been much better for the unfortunate prosecutor if this old Colour-sergeant had lost his arm as well. The offence which he had committed had been treated so lightly, that only moderate security had been required of him; himself in ten pounds, and two securities of five pounds each, and the offence which this man who had lost his leg had committed, was the taking a man's head under his arm, putting it into Chancery, in fact, and opening his knife and scooping his eye out. Such conduct as this, on the part of her Majesty's Government, was calculated to shake justice, to destroy the confidence of judges, to destroy the confidence of juries, to destroy the confidence of magistrates, and to cause the people of Ireland to imagine that the Government were assisting those who were guilty of these breaches of the peace.

The Marquess of *Normanby* was most anxious to meet the impression of the noble Earl or the impression of other noble Lords, and would do so when the noble Earl opposite (Earl Roden) brought forward the question he had given notice of at the commencement of the Session. Perhaps the noble Earl would have the kindness now to fix an early day for bringing it forward. He did not wish to ask any indulgence of the House, but he desired to have some specific day named, in order that in the mean time, he might refresh his memory on the circumstances of the case, in order that he might be enabled to answer the question of noble Lords, and refute the imputations that had been cast against his government in Ireland. The noble Marquess opposite (Marquess of Westmeath) had concluded last night by stating, that he had thrown open the doors of the prisons in Ireland. Now upon that subject all he would say was, that of course he, as well as other men, was liable to error; but this he could conscientiously say, that in the exercise of the prerogative of mercy he had been justified in the course he had pursued by the opinions of the Judges, who had stated, that he had exercised it with care and attention, and in accordance with their views upon the subject. When the noble Earl brought forward his motion on the subject, he should be enabled to refute completely the aspersions that had been cast upon him in that respect.

The Marquess of *Westmeath* said, that the noble Marquess opposite seemed to think, that noble Lords on that side of the House had not dealt fairly with him in bringing forward the subject as they had done, and not reserving it for a field-day. He would venture to say, that if the House were to sit there for a week, and every night until twelve o'clock, they would not be enabled to consider all the acts of misgovernment on the part of the noble Marquess during the time he was Lord-lieutenant of Ireland. The noble Marquess seemed to think, that the matters that were brought forward were extremely trifling and hardly worthy of the attention of the House. Was it a trifling matter, he would ask, for a man to have his eye gouged out? He wished to God, that the noble Marquess's government had been anything but what it was; he wished he could have praised instead of blamed him, but having the interests of Ireland at heart, he should never hesitate, notwithstanding the taunts of the noble Marquess, to bring forward facts and circumstances, he felt himself compelled so to do when from a sense of duty.

The Earl of *Roden* having been personally alluded to by the noble Marquess, felt himself called upon to make a few observations. He had felt it his duty, at the commencement of the Session, to state, that it was his intention to call the attention of the House to the disturbances that had taken place in various parts of Ireland. He was extremely anxious, when he did so, that there should be a full attendance of noble Lords, particularly those who were connected with that part of the country where the disturbances had taken place. Such being his wish, it was impossible for him to name a certain day, until he had had an opportunity of communicating with those noble Lords. When he had done so, and had ascertained the time that would be most convenient for them, he would take care to inform the noble Marquess. Having said thus much, he wished to make a few observations on the statements of the noble Marquess relative to opening the gaols. He had stated, that the noble Marquess had thrown open the gaols in consequence of the course he had thought proper to pursue when he visited several towns in the tour he had made through Ireland, particularly at Mullingar, where the noble Marquess had given orders to the gaoler to liberate not less than nineteen persons. At that place there was a gentleman of the name of Brown, who had a servant named Thomas—that servant was cruelly beaten, and left for dead—two individuals of the names of Gannon and Ward were taken up as accomplices in the assault; they were brought to the Court of Session, tried and convicted, snd ordered two years and six months' imprisonment, and at the expiration of that time to find sureties of 20*l.* each to keep the peace to all her Majesty's subjects for seven years. This took place in the month of January; in the August following the noble Marquess made his tour through Ireland, and among the nineteen persons he had ordered to be liberated at Mullingar were these two individuals, thereby shortening the duration of their punishment for upwards of a year and a half, added to which they were set at liberty without entering into sureties to keep the peace. After their liberation a most barbarous murder was committed, and those two individuals were now in custody on suspicion of being accomplices in that murder. True, that according to the principles of the law in this country, no man was guilty until he had been found so by a Jury of his country, but to say the least of it, he thought the extension of mercy in this case by the noble Marquess was totally uncalled for. He was as anxious as any man to give the noble Marquess credit for a desire to extend mercy, but he must say, that in such cases as those he had referred to, the mercy of the noble Marquess had been in the extremity of cruelty, because it left the innocent part of the community to the mercy of the worst of characters. It was an act of cruelty towards the Jury and the Judge who tried them, and he would venture to say, that the species of mercy which had been extended by the noble Marquess to the delinquents, had done more to increase the disturbances in Ireland than any other act of his during the time he had represented his Sovereign in Ireland. The peaceable inhabitants of Ireland were desirous that the course pursued by the noble Marquess and the Government should be brought to light, and when it was he would venture to say, that it would be found to have materially affected the peace of Ireland. They had, however, now done with the Viceroyalty of the noble Marquess in Ireland, and he should be acting with hypocrisy if he did not say he was heartily glad of it. He should like to see the office of Viceroy done away with altogether; but, if the Government appointed another individual he trusted they would select one who would adopt a course by which he would draw to the Castle of Dublin all the resident gentry of Ireland, and restore that system of order in the country which the loyal people of Ireland had a right to expect.

Viscount *Lismore* could not concur in the view taken by the noble Lords opposite as to the Government of his noble Friend the noble Marquess in Ireland. The administration of his noble Friend had given general satisfaction in that country. The country owed much to his firmness and decision. Some parts which had been in a disturbed state, had by the vigorous administration of the law been restored to tranquillity, and the chief actors in the disturbances had suffered, or were now suffering, the penalties of the law.

The Marquess of *Normanby*: as to the

opinions of the noble Lords opposite of his government, he would only say, that however much he might regret the loss of their good opinion, yet it was gratifying to him to know that the opinions of those noble Lords with respect to his government in Ireland were not shared in common with the great mass of the community in that country. With respect to the case of Gannon and Ward, who had been released by his order at Mullingar, he would briefly state the particulars connected with it. Soon after their conviction he had received a memorial signed by many highly respectable gentlemen in that vicinity, stating their belief that the men were wholly innocent of the crime of which they had been convicted. On receipt of that memorial, he directed Mr. Ellis, the assistant-barrister of that county, to make inquiries into the case, and the report of that gentleman was, that there were great doubts of the guilt of the men. There were several communications with others on the subject, and the result was, his decision that they ought to be discharged. Now, any one hearing the statement of the noble Earl would imagine that he (the noble Marquess) on his way through Mullingar had directed the release of the men, along with others, without any previous investigation of their case; but the fact was, he had decided upon their release before he left Dublin for the county of Longford, and he only waited to make some further inquiry of Mr. Brown, the gaol inspector, before he directed their release. Their case, as well as those of the whole of the prisoners discharged, had undergone a careful consideration. As to the commitment of the men on a charge of murder, he could say nothing to it beyond the fact, that the men were not yet brought to trial on the charge.

The Earl of *Roden* asked, had the men been bound over to keep the peace on their being released?

The Marquess of *Normanby* could not say whether that course was followed in this particular case, but he supposed it was so, as the general practice was so, to bind over parties whose sentence had been remitted.

The Marquess of *Westmeath* said, that he was on the bench during the trial of these men, and that from his recollection of the case, he should say, that their case was not one in which the exercise of the prerogative of mercy was called for. The defence set up for one of the parties was an *alibi*, to show that he was at a particular bridge, a considerable distance from the scene of the assault, at the time, or so soon after, that he could not have committed the offence; but that attempt completely failed, and was considered by the bench to be a great aggravation of the crime. He did not know what magistrates the noble Marquess had communicated with on the subject, but he had not done him the honour to consult him on the matter. [Viscount *Melbourne*: Why should he?] The noble Viscount asked, "Why should he?" He would say why should he not? Would the noble Viscount be so good as to state the reasons why he should not have consulted him on the occasion? He had been on the bench during the trial, and he had the honour of being the lieutenant of the county, and he did think, therefore, that something more than mere courtesy ought to have induced the noble Marquess to communicate with him on the subject before he released the men.

The Earl of *Wicklow* owned, that he was surprised at the question asked by the noble Viscount, why should the noble Marquess, the late Lord-lieutenant of Ireland, have consulted his noble Friend, on the intended release of these two prisoners? Such a question came with a bad grace from the noble Viscount, who had himself brought in the bill establishing Lords-lieutenant of counties in Ireland, for this one, amongst many other avowed purposes, of being the organs of communication between the Government and the magistracy of the county. The station which the noble Marquess held ought to have entitled him to a communication from the head of the Government on that subject. Much as he had been surprised at the remark of the noble Viscount (Melbourne), he was still more surprised at the observation of the noble Viscount on the subject of the "tranquillity" of the part of Ireland to which he referred, and to the alleged cause of that tranquillity. He was sure the noble Marquess would not join the noble Viscount in that statement. The tranquillity mentioned by the noble Viscount must be the county Tipperary tranquillity, and not that sort of tranquillity to which those were accustomed, who lived in really peaceable counties. Tranquillity! said the noble Viscount; why, it was only a short time ago that part of the noble Viscount's own grounds were ploughed up at night by a band of lawless men, and the noble Viscount was obliged to call in the aid of the Queen's troops for his protection. That certainly did not look very like tranquillity. It was impossible, if all the cases relating to the noble Marquess, and Ireland were to come before that House at once, that they should meet with fair consideration. He really had nothing in his experience to complain of the noble Marquess; he believed that the noble Marquess had always meant well in the Government. He certainly was one who did not approve of the system which he had established, but that was a different thing; he was not one who disapproved of the noble Marquess in carrying out that system. But what had principally drawn him out on this occasion was this, that they had heard a great deal about the prerogative of mercy being too great a prerogative to be delegated. It was formerly absolutely necessary that the prerogative of mercy should be there established, but that cause now no longer existed; steam by railroads and by sea had brought this country and that together, and there was now no longer any necessity for the office of Lord-lieutenant. The office was now going a begging. It was a question whether that was not a good opportunity for her Majesty's Ministers to consider the propriety of abolishing that office, and saving that great expense to the country, and doing away with these complaints against the Lords-lieutenant. He would have a Minister of the Crown, as secretary of that country, to reside there while Parliament was not sitting, and to be in that House when it did, which would, in his opinion, be one of the greatest benefits in the administration of the affairs of that country.

Viscount *Lismore* said, that the ploughing up of his estate had been alluded to, he would it were the ploughing up of it. Unfortunately it was the side of a very barren mountain, of which the people had attempted to peel the surface, in order to get manure. He had appealed to the magistrates when he required their interference, and had received ample justice and perfect security.

Viscount *Melbourne* did not wish to cast any imputation whatsoever on the Lord-lieutenant, the noble Marquess of Westmeath, for any jealousy he had shown. The reference in the present case had been made to that quarter to whom it was always made—to the assistant barrister, and it was from the report of the assistant-barrister, that the Government decided. It was not in any respect customary to take the opinion of the chief magistrate on this subject. The noble Lord had taken the opportunity to introduce matter very wide and foreign to the subject under discussion. He said, that it would be well to do away with the office of Lord-lieutenant, and particularly on account of its exercise of the prerogative of mercy; and he conceived, that the prerogative of mercy could be well exercised on the advice of Ministers. He was of a different opinion. He thought, that one great reason why it could not be exercised here was, that it could not be properly or satisfactorily exercised here. Nor did he think, that proper information, could be obtained, or that the duties could be satisfactorily discharged here, and that was one reason amongst many others why he should object to the arrangement of the noble Lord, rather hastily thrown out and adopted—an arrangement which was of more importance, and which would be followed with greater consequences than the noble Lord apprehended at present. He would not go into this subject farther than to state, that the Ministry had no intention to adopt this arrangement of the noble Lord. He did not believe, that there was any measure that would play more into the hands of those who wished for the separation of the two countries, or that could have a worse effect between them, than that of the noble Lord.

Returns ordered.

PRIVILEGE—COURTS OF LAW.] Lord *Redesdale* moved, that the officer of the House be allowed to attend the Court of Queen's Bench with the minutes of evidence before the committee upon the state of New Zealand, which evidence having been communicated to the Commons, had been published by them, and an action for libel brought upon it.

Lord *Holland* said, he thought this a very serious question, and not to be lightly decided.

Lord *Lyndhurst* said, the affair had arisen from the publication of the evidence by the House of Commons, and there would be an absolute failure of justice if the motion was not agreed to.

Lord *Holland* thought, there was a question of principle involved.

Lord *Melbourne:* When does the trial come on?

Lord *Lyndhurst:* Thursday.

Lord *Holland:* I am not prepared to oppose the motion, but I think it involves very serious questions.

Lord *Lyndhurst:* Those questions are open for discussion hereafter. No privilege can be surrendered in consenting to the application under particular circumstances.

Lord *Holland:* It is all very well to say, that the question can be discussed hereafter; but if the application is granted in this case, it will be demanded as a matter of justice in others. The point may be raised, whether any of your Lordships may not be called upon to give evidence in a court of justice as to words spoken in this House. Are committees less under protection than the House itself? It is a fundamental principle, that nothing said in Parliament can be questioned in courts of law; that is one of the privileges of the House of Commons. I don't know what effect this application, if granted, may have upon that question. It is not to be granted as a matter of course.

Lord *Redesdale* said, he would have given longer notice if it had been possible. There was no analogy, in his opinion, between proceedings in their Lordships' House, and proceedings before committees because of debates in that House, there was no authorized report, as there was in the case of the committees. The reporters might publish the debates, but it was not by the authority of that House, and this point was jealously watched in order to secure perfect freedom of debate. He wished to be bound by the decision of the House.

The *Lord Chancellor* thought the party ought to have made the application earlier.

Lord *Lyndhurst* said, his noble Friend near him had drawn a very proper distinction. There was no publication of the debates in that House, but the evidence in the committees was taken down by the proper officer, and that was communicated to the other House of Parliament, who published it to the world, and when it was published, everyone had a right to make comments on it. It was a case of extreme hardship.

The Earl of *Minto* said, the same thing might have happened if the evidence had not been communicated to the House of Commons—any one might have published part of the evidence taken before a Committee of their Lordships' House—but had it ever been pretended, that the party could come to their Lordships for a justification; although it was true, that it might serve him if he could obtain it. Their proceedings had always been considered as entirely closed.

Lord *Holland* said, this was a question of great constitutional importance. He remembered, that in the famous case between Mr. Fox and Mr. Horne Tooke, a question arose as to what had passed in a Committee of the House of Commons, and Mr. Horne Tooke wished to make it evidence, but it was decided there could be no inquiry into what had passed in that Committee.

Lord *Redesdale* said, that if any privilege was likely to be given up by acceding to his application, he would be the last one to make it. The ground on which he rested his application was this, that the evidence had been published by the authority of the other House—their Lordships having communicated it to that House. The evidence had been publicly sold, and would their Lordships refuse the individual the legal evidence of proving that what had been published had taken place before the Committee. He did not think, that if this application was acceded to, it could be drawn into an injurious precedent.

The *Lord Chancellor* said, there could be no doubt that in this particular case it would be for the benefit of the party to have what he asked, but he thought it was of the greatest importance that their Lordships should consider the extent to which applications of this sort might be carried.

Lord *Lyndhurst* said, that if the House was not disposed to grant the application, probably the Court of Queen's Bench would postpone the trial when these circumstances were stated to it, and then the matter could be brought before their Lordships for reconsideration on Thursday next. He would beg leave, therefore, on Thursday next again to submit the case to their Lordships' consideration.

Subject postponed.

HOUSE OF COMMONS,

Wednesday, February 27, 1839.

MINUTES.] Petitions presented. By Sir JAMES GRAHAM, Sir EDWARD FILMER, and Messrs. SANFORD, CLIVE, CHUTE, PLUMPTRE, CHRISTOPHER, BROADLEY, W.

DUNCOMBE, G. PALMER, BRAMSTON, CAYLEY, and HANDLEY, from a number of places, against the Repeal of the Corn-laws.—By Messrs. WALLACE, BAINES, HUTT, ELLIOT, EASTHOPE, and Sir LITTON BULWER, from a number of places, for the Repeal of the Corn-laws.—By Mr. GREEN, from Manchester, for a Uniform rate of Postage.—By Mr. WOOD, from Uxbridge, against the present Licensing system.—By Mr. GILLON, from Auchtermuchty, against any further Grant to the Scotch Church.—By Mr. Sergeant TALFOURD, from Oswestry, for substituting Affirmations for Oaths.—By Mr. HUME, from Tipperary, for Mitigation of the Criminal Code.—By Mr. GROTE, from the Dissenters of London, for Redress of their Grievances.—By Mr. EASTHOPE, from the Retailers of Beer at Leicester, for Protection of their Interests.—By Mr. WALLACE, from Greenock, for Equalising the Sugar Duties; and also for the Repeal of all Laws restricting the Free Importation of Food.—By Sir JAMES GRAHAM, and Sir GEORGE SINCLAIR, from several places, for Church Extension in Scotland.—By Mr. HALFORD, from Leicester, against any further Grant to Maynooth College.—By Sir ROBERT INGLIS, from a Clergyman, in favour of the Copyright Bill.—By Mr. Sergeant TALFOURD, from a number of places and individuals in favour of the Copyright Bill.

CANADA.] Sir *R. Peel* wished to ask the noble Lord what course he proposed to pursue with respect to the bill, for the future government of the Canadas. He had understood the noble Lord to say he would introduce the bill before Easter, but would postpone the second reading till after Easter. He wished to know whether the noble Lord intended to fix the second reading for an early day after Easter, or whether, he intended to communicate with the government of Canada before proposing the second reading.

Lord *John Russell* had certainly stated it was his wish to introduce the bill before Easter, and still hoped he might be enabled to do so, though at this moment he could not say confidently that the bill could be introduced before Easter. It was not intended to propose the second reading immediately after Easter; nor was it proposed to allow sufficient time to elapse for communication with Canada. The second reading would not come on for at least three weeks after Easter.

Sir *Robert Peel*: Does the noble Lord contemplate actual legislation on the subject of the government of the two provinces?

Mr. *O'Connell*, seeing the Under Secretary of State for the Colonies in his place, wished to know whether any steps were intended to be taken to stop the effusion of blood in Canada. The insurrection had been put an end to, but the effusion of blood continued.

Mr. *Labouchere* considered that the language of the hon. and learned Member was rather disproportioned to the real facts of the case. The moment that he had entered upon the duties of the office which he had now the honour to fill, he had taken the first opportunity of inquiring concerning the number of persons who had suffered capital punishment, and he had been informed that the great effusion of blood to which the hon. and learned Member had referred comprised sixteen persons, who had been executed in Upper Canada, and seven in Lower Canada, four of whom had been convicted of a most atrocious murder. He felt bound to make this statement, because he thought it was extremely improper that the assertion, that blood had flowed to great extent in those colonies, should go forth to the world without explanation. In making that statement, he begged it to be understood that he entertained feelings of the deepest regret that it should have been considered necessary that a single human being should have suffered capital punishment; but after what had been stated by the hon. and learned Gentleman he could not refrain from stating the facts. He begged also to state that the Government had not the slightest reason to think, that the discretion which had been given to Sir John Colborne had been exercised without a due regard to humanity.

Mr. *O'Connell* considered that he had a right to say, that an effusion of blood had taken place. The right hon. Gentleman seemed to think that the death of sixteen persons by the hands of the law was not an effusion of blood. Now he was of opinion, that the putting to death one person more than was absolutely necessary was an effusion of blood.

Subject dropped.

COPYRIGHT.] Mr. Sergeant *Talfourd* then rose to move the second reading of the Copyright Bill. The hon. and learned Gentleman said, after the attention which, in past Sessions, has been rendered by this House to the interests of literature, as affected by the law of copyright, an attention gratefully acknowledged in the petition which I have just presented, I shall best discharge my duty by reminding you, without preface, of the question which we once more are called on to decide, and by stating the position in which it stands, and the materials which we have to assist us in answering it. That question is, whether the present limitation of copyright is just? and I will sum up my reasons for contending for the negative in language adopted by some of the distinguished persons whose petitions are before you. They allege :—

"That the term during which the law secures to authors the profits arising from the productions of their own industry and genius is insufficient to provide for the fair reward of works written to endure; that the extension of the term proposed by this bill would encourage such compositions; that it would enable individuals to devote their powers to the lasting benefit and delight of mankind, without the apprehension that, in so doing, they shall impoverish their own descendants; and that, while it would tend to the profit only of the greatest and the best of those engaged in literature, it would confer dignity and honour on the pursuits of all."

Those propositions to which I seek your assent are now for the first time embodied by some of our most distinguished authors on the ground of their own prayer, and will probably be expressed by many others, whose feelings I know, if you permit this bill to proceed. When I first solicited for those arguments the notice of this House, I thought they rested on principles so general, that the interests of those who labour to instruct and illustrate the age in which they live are so inseparably blended with all that affects its morality and its happiness, that the due reward of the greatest of its authors is so identified with the impulses they quicken—with the traits of character they mirror—with the deeds of generosity, of courage, and of virtue which they celebrate, and with the multitudes whom they delight and refine, that I felt it was not for them alone that I asked the shelter of the law, and I did not wish to see them soliciting it as a personal boon. The appeal, though thus unsupported, was not unfelt, and the bill proceeded without a hint of opposition until the demise of the Crown closed the Session, and stopped its progress. In the interval which thus occurred, a number of eminent publishers saw reason to apprehend that certain clauses in the bill, by which it was proposed to give to authors who had assigned their copyrights under the subsisting law a reverting interest after the expiration of its term, would injuriously affect their vested rights, and they naturally prepared to oppose it. They were accompanied or followed in this opposition by various persons connected with the mechanical appliances of literature—by master printers, compositors, pressmen, typefounders, paper-makers, and bookbinders, smitten with the strange fear that to extend the term of copyright (though they all agree that the extension would operate only in one case in 500) would destroy their trade, and their petitions were plenteously showered on the table of the House. Regard to the state of public business, and a belief that, although supported by considerable majorities, the nature of the opposition with which the bill was threatened would multiply and prolong the discussions beyond the bounds of the time which could be applied to such an object, induced me, at the suggestion of my hon. Friend, the Member for Newark, again to withdraw it; and having been taunted with the absence of petitions in favour of the measure, I have now the support I did not before seek; and I doubt not, the example once set will be followed by many who feel deeply the justice of the cause, and are indignant at the grounds on which it has been opposed. Few as these petitions are, compared with the number of those who desire the success of this bill, I shall not fear to oppose the facts they state, the reasonings they suggest, or the authority with which they are stamped, to those accumulated by its opponents during the last Session. Having carefully perused the petitions against us, I am surprised to find how utterly destitute they are of information really bearing on the case, with an exception which does not now apply to the bill; for I may dismiss the complaints of the eminent members of the publishing trade, and of all who sympathised in their fears. Impressed with the force of some of their objections, I proposed various means by which I hoped to remove them, without denying to authors who had assigned their subsisting interest, the benefits of that extended term which it was proposed to create. But I was compelled to abandon the attempt as hopeless, and to content myself with applying the extension to the cases of authors who had retained an interest in their works, and to books hereafter to be written. In this alteration, I have given nothing to the publishers, except in the rare and peculiar case of a joint interest co-extensive with the entire copyright, in which case, unable to sever the benefit without extreme inconvenience to the publisher, I have chosen rather to grant it to both than to neither; and it is to the honour of the publishers, that, instead of seeking an unworthy compromise, they have been satisfied with the mere withdrawal of clauses, which would have subjected them to certain inconvenience and probable loss. Their opposition has ceased with the provisions which raised it; and with it all the allegations in the petition which relate to it may be dismissed. There remain those of the printers and their allies, persons whose interests deserve the careful regard of the Legislature, but whose opinions have no authority beyond the reasonings they adduce to support them. They are not like persons engaged in some occupation on which there is an immediate pressure, which they who feel most keenly can most vividly explain; nor like persons apprehending some change decidedly affecting their profits, under circumstances peculiarly within their experience; they are mere speculators like ourselves on the probabilities of the distant future. All their apprehensions centre in one—that if the term of copyright be extended, fewer books will be printed; fewer hands will be required; fewer presses set up; fewer types cast; fewer reams of paper needed; and (though I know not whether the panic has penetrated to the iron mine, or ascended to the rag-loft) that a paralysis will affect all those departments of trade. Now, if there were any real ground for those busy fears, they would not want facts to support them. In the year 1814, when the term of copyright was extended from fourteen to twenty-eight years, the same class expressed similar alarms. The projected change was far more likely to be prejudicial to them than the present, as the number of books on which it operated was much larger; and yet there is no suggestion in their petitions, that a single press remained unemployed, or a paper-mill stood still; and, indeed, it is a matter of notoriety, that since then, publications have greatly multiplied, and that books have been reduced in price with the increase of readers. The general arguments of these petitions are those which the opponents of the measure urge, all resolving themselves into the assumption, that if copyright be extended, books will be dearer, that cheap books are necessarily a benefit to the public, and that the public, interest should prevail over the claims of those who create the materials of its instruction; but there is one petition which illustrates so curiously the knowledge which these petitioners possess on the subject of their fears, and the modesty with which they urge them, that I must trespass on the patience of the House while I offer a specimen of its allegations. It is entitled a petition presented by the hon. Member for Kilkenny, agreed on at a public meeting at the Mechanics' Institute, Southampton-buildings, by "compositors, pressmen, and others engaged in the printing profession." After a sweeping assumption of the whole question between authors and readers, these petitioners thus designate the application made to this House on behalf of literature—"The books to which it is assumed the present law does not afford sufficient protection are those of a trashy and meretricious character, whose present popularity deludes their writers with a vain hope of an immortal reputation." Now, the works which were named by way of example when this Bill was introduced were those of Coleridge, of Wordsworth, and of Sir Walter Scott; and if these are intended by the petitioners, I fear they have made no good use of cheap books, or the books they have read are dear at any price. If the object of the Bill is the protection of "trashy and meretricious" works, it may be absurd, but it must be harmless, for, as to such works, it must be a dead letter. The printers who fear that one set of "trashy and meretricious" works should endure after the lapse of twenty-eight years, and should thus deprive them of the opportunity of printing a brilliant succession of such works, to which they do not refuse the aid of types, are like the alarm of some nervous remainderman, who should take fright at the creation of a term of 999 years by a tenant for life, overlooking in his fears the necessary condition, "if he should so long live;" for as surely as natural death will await the decay of the human frame shall oblivion cover the "trashy and meretricious" book, and leave room for successor after successor to employ compositors, to sparkle, and expire. But, the petitioners proceed — "Even supposing their success would be permanent, the present high profits derived by their authors are an ample return for the time employed in their composition." So these gentlemen, forgetting that the chief ground of the Bill is, that the works on behalf of which its extension is sought often begin to repay their authors only when the copyright is about to expire, think themselves competent to estimate the anxieties, the heartaches, the feverish hopes, the bitter disappointments, the frequent failures, the cheerless toils with which an author's time is filled, and which disturb them little when they are arranging his words. They proceed, "while it is proved, that books of deep research and intrinsic value would not be rendered more valuable by an extension of the law of copyright, however extended that law might be." How, not more valuable? Not merely more valuable to sell perhaps, but more valuable to preserve, else, if there is no gain to the author, where is the loss to the public? After a round assertion, "that the Bill must be viewed as one injuriously affecting the booksellers, bookbinders, paper-makers, type-founders, and all branches connected with the printing business," they thus proceed to extol their own profession:—"That the profits derived from a book depend not on the art of writing but on the art of printing; for that, without the facilities which improved mechanical improvements afford, the number of copies would be few and high-priced, and the profits of the author lower; and, therefore, it is unjust, that authors should endeavour to injure by exclusive laws a profession to which they are indebted for the rank they hold, and the wealth they possess." Surely, the old critic Dennis, who, when he heard the thunder roll over the mimic scenes, used to claim it as his own, was moderate compared to those gentlemen of the Mechanics' Institute. Whatever may be the benefit which the art of printing has conferred on genius—genius which had achieved imperishable triumphs long before its discovery, it is astounding to hear this claim made by those who are now engaged in a simple mechanical pursuit. The manufacturer of bayonets or of gunpowder might as well insist that he, and not the conqueror of Waterloo, was the proper recipient of national gratitude. Where would their profession be if no author had written? There are some things more precious even than knowledge, and, strange as it may seem to the utilitarian philosophers, I venture to think gratitude one; and if it is, I would ask those petitioners to consider how many presses have been employed and honoured—how many families in their own class have been enriched, by the unceasing labours of a single mind—that of Sir Walter Scott, exhausted, fading, glimmering, perishing from this world in their service. As the concluding paragraph of this petition merely repeats an analogy of literary works to mechanical invention, which I have grappled with before, and if necessary am ready to expose again, I will pass from it, and from the petitions against the bill, which, I assert, do not present a single fact for the information of the House, to the petitions which disclose the grievances and the claims of authors, And first to show by way of example how insufficient the present term is, to remunerate authors who contemplate works of great labour and research, I will refer to the petition of Mr. Archibald Alison, sheriff of the county of Lanark. This gentleman, son of the venerable author of the celebrated *Essay on Taste,* was brought up to the Scottish bar, and being gifted with excellent talents, and above all with that most valuable of talents unwearied industry, enjoyed the fairest prospects of success. Having, however conceived the design of writing the history of Europe during the French revolution, he resigned those hopes for the office of sheriff of Lanarkshire, which limiting his income to a moderate sum, left him at leisure to pursue his scheme. On that work he has now been engaged for 25 years. To collect materials for its composition he has repeatedly visited the principal cities of Europe, and his actual expenditure in books and journies to lay the foundations of his work has already exceeded 2,000*l.*, and will be doubled if he should live to complete it. Seven volumes have successively appeared, the copyright is unassigned, and as the work is making a regular progress, fourteen years must elapse before the pecuniary outlay will be repaid. At the expiration of twenty-eight years, supposing the work to succeed on an average calculated on its present sale, its author will only obtain half what he might have acquired by the devotion of the same time to ephemeral productions; so that, unless his life should be prolonged beyond the ordinary lot of man, its labours to his family will be almost in vain, unless you considerably extend the term; and then, in return for his sacrifices he will leave them a substantial inheritance. Of a similar nature is the case of another petitioner, Dr. Cook, Professor of Moral Philosophy in the University of St. Andrew's, author of the *History of the Reformation in Scotland; a History of the Church of Scotland,* and of other historical works which are now standard authorities, and on the composition of which he has been engaged for the last thirty years. In their composition he has incurred great expense, The copyrights are vested in himself, but it depends on your decision whether his family shall derive any advantages from them. He concludes—" considering this law as at variance with the essential principles of justice, and calculated to impede the course of literature and science," by earnestly imploring the House, "pass this bill for so extending the term of copyright as will secure the interests of the authors of extensive and laborious works without in the slightest degree interfering with the public good." Dr. James Thomson, the Professor of Mathematics in the University of Glasgow, states the nature and the history of several elementary works, the product of his labour, which are slowly beginning to recompense him, and especially invites attention to the manner in which the law bears on works used as text books in schools and universities, having to contend against the partialities of teachers for books with which use had made them familiar, and of booksellers for works in which they are interested, and which may only begin to obtain attention when the copyright is about to cease. Sir David Brewster has spent a laborious and most useful life, and still spends it, in the composition of works which at once instruct and charm, and which can only remunerate him by the extension of the term, Now, I ask, is there no property in these petitioners worthy of protection? "No," said, and will say some of the opponents of this bill; "none. We think that from the moment an author puts his thoughts on paper and delivers them to the world, his property therein wholly ceases." What! has he invested no capital? embarked no fortune? If human life is nothing in your commercial tables—if the sacrifice of profession, of health, of gain is nothing, surely the mere outlay of him who has perilled his fortune to instruct mankind may claim some regard! Or is the interest itself so refined—so etherial—that you cannot regard it as property, because it is not palpable to sense or to feeling? Is there any justice in this? If so, why do you protect moral character as a man's most precious possession, and compensate the party who suffers in that character unjustly by damages? Has this possession any existence half so palpable as the author's right in the printed creation of his brain? I have always thought it one of the proudest triumphs of human law that it is able to recognize and to guard this breath and finer spirit of moral action—that it can lend its aid in sheltering that invisible property which exists solely in the action and affection of others, and, if it may do this, why may it not protect him in his right—those words which, as well observed by a great thinker, are "after all, the only things which last for ever?" From these examples of works of labour and pecuniary outlay I turn to that of a poet, whose name has often been mentioned in the discussion of this measure, who has supported it by his published opinion, but who has now, for the first time, enforced it by petition. Mr. Wordsworth states that he is on the point of attaining his 70th year; that 46 years ago he published his first work, and that he has continued to publish original works at various intervals down to 1835. The copyright in a considerable part of these works is now contingent on his life; in a few years the far larger portion will be holden by the same tenure; and a most extensive and elaborate work, The Excursion, will be in this condition, if he should be spared for four years longer. He represents, that "having engaged and persevered in literary labours, less with the expectation of producing speedy effect than with a view to interest and benefit mankind remotely though permanently, his works, though never out of demand, have made their way slowly into general circulation;" and he states as a fact directly bearing on this question, that his works have, within the last four years, brought a larger emolument than in all his preceding life, which would now be bounded by his death, and the great part of which if he had died four years ago, would have been wholly lost to his family. How will this case be answered? I suppose, as I have heard it, when less fully stated, answered before, that it proves that there is no necessity for the extension of copyright, because without its encouragement a poet thus gifted has been ready to devote his powers amidst neglect and scorn to the highest and the purest aims. I will not rely for my answer on reminding those who urge this ungenerous argument that there may not always be attendant on such rare endowments the means of offering such a sacrifice, either from independent resources or from a simple taste. I reply at once, that the argument is at utter variance with the plainest rules of morality and justice. I should like to hear how it would be received on a motion for a national grant to one who had fought his country's battles. I should like to hear the indignation and the scorn which would be expressed towards any one who should venture to suggest that the impulses which had led to heroic deeds were without reward; that the love of country and glory would always lead to similar actions; and that, therefore, out of regard to the public we ought to withhold all reward from the conqueror. And yet the case of the poet is the stronger; for we do not purpose to reward him out of any fund but that which he himself creates—from any pockets but from those of one whom he individually blesses—and our reward cannot be misapplied when we take time for our arbitrator and posterity for our witnesses. It will not have escaped the attention of the House that many of the petitioners are professors in the universities of Scotland; and from the laborious nature of their pursuits—their love of literature, fostered at a distance from the applause of the capital, and from the independence and the purity of their character, I venture to think that their experience and their judgments are entitled to peculiar weight. Now, the University of St. Andrew's, after powerfully urging the claims of authors generally thus submits the peculiar claims of their countrymen:—"Your petitioners venture to submit, that in Scotland, where the few rewards which used to be conferred on clergymen of literary and scientific merit have been withdrawn, and where the incomes of the professors in her universities have been allowed to suffer great diminution, these individuals have strong motives to solicit, and additional grounds to expect, that their literary rights be extended, and rendered as beneficial as possible to themselves and their families." Among these professors, and among the petitioners for this bill, is a clergyman unsurpassed in Christian eloquence, in reach of thought, in unwearied zeal, who has disregarded ease and intellectual delights prodigally to expend his energies on that which he regards as the sacred cause of the Church and religion of his country, and who depends on his copyrights in such of the labours of his mind as he has committed to the press to make amends for a professional income far below his great intellectual claims. In addressing me on the subject of this bill, Dr. Chalmers says, "My professional income has always been so scanty, that I should have been in great difficulties, had it not been for the profits of my authorship; and I am not aware of a more desirable compensation for the meagre emolument of the offices I have held, than that those profits should be secured and perpetuated in favour of my descendants." And who among us, not only of those who sympathize with his splendid exertions on behalf of the Church of Scotland, but of all who feel grateful for the efforts by which he has illustrated and defended our common faith, will not desire that wish to be fulfilled? How one of the publishers of his country feels towards such authors may be seen in the petition of Mr. Smith, of Glasgow, who even desires to limit the power of assignees' copyright to twenty-one years, and then contrasts his case with that of those by whose creations he has been enriched. He states "that he has obtained estate and competence by the sale of books published or sold by him, which property he has a right to entail or give in legacy for the benefit of his heirs; while the authors who have produced the works that have enriched him have no interest for their heirs by the present law of copyright in the property which they have solely constituted." When I find these petitions signed by the most distinguished ornament of the Scotch Church. Dr. Chalmers—and by one of the most eminent among the Dissenting divines, Dr. Wardlaw, I cannot help associating with them a case which came under my notice a few days ago on an application to me to assist a great-grandson of Dr. Doddridge, in presenting a memorial for the bounty of the Crown. Here was the descendant of one of the idols of the religious world, whose works have circulated in hundreds of thousands of copies, in a state of unmerited privation and suffering, from which a trifle on each volume of his ancestor's works now adorning the libraries of the wealthy Dissenters would amply relieve him. On these contrasted cases the House has now to decide. But before I leave the question in its hands, it is fit I should advert for a moment to those opponents of the bill, who, disclaiming the publishers and printers, appear on behalf of what they call the public, and who insist that it is our duty to obtain for it the works of genius and labour at the lowest possible price. Now, passing over a possible doubt, which I dare scarcely hint in their presence, whether the diffusion of cheap copies of every work necessarily implies in an equal degree the diffusion of its beauties and the veneration of its injunctions, permit me to ask whether even for the public it is not desirable that works should be correct as well as cheap, and that it should have the benefit of the matured judgment of its instructors? Now, this can only be effected, by permitting the family of the author to watch over his fame.

An author who, in a life devoted to literature, has combined the gifts of the historian and the poet—Mr. Southey—who has thought the statement of his case might have more effect than a petition, has permitted me to elucidate this view of the case by his example. He has lately published a complete edition of his poems, correcting the blemishes which during many years have presented themselves to his severe judgment; his copyrights in many of the original poems will expire with his life; in the corrected edition his family will enjoy an interest; but in the original poems none; and it will be in the power of Mr. Tegg, or of any other of those worthy benefactors of the public who keep duteous watch over the death-bed of copy-rights, to re-publish any of those poems with all their repeated errors, and the addition of those gross blunders which are always introduced when a reprint undergoes no revision but that of the printer. But is it even certain that the books thus carelessly printed will be actually cheaper in price than if the descendants of the author published them for their own advantage? It is not fair to judge of this by recent instances, produced in the first eagerness of the freebooters of the trade to seize on and parade their spoils. It should be recollected that a proprietor who uses only one machine for publication may, with profit to himself, supply the market more cheaply than numbers who have separate expenses, and look for separate gains. But if the argument be doubtful, the fact at least is clear, and I may call the hon. Member for Finsbury as my witness to prove it; for he has shown in this House, to the offence of none, but to the amusement of all, and to the proof of my case, how cheaply books charged with an expensive copyright may be obtained of his friend Mr. Tegg, who, he states, nevertheless, has a stock worth more than 170,000*l.*, which, if the principles of my opponents be fairly applied, is justly divisible among their favourite and much-injured public. But grant the whole assumption—grant that if copyright be extended the few books it will affect will be dearer to the public by the little the author will gain by each copy—grant that they will not be more correct or authentic than when issued wholesale from the press; still is there nothing good for the people but cheap knowledge? Is it necessary to associate with their introduction to the works of the mighty dead the selfish thought that they are sharing in the riot of the grave, instead of cherishing a sense of pride that, while they read, they are assisting to deprive the grave of some of its withering power over the interests of survivors? But if it were desirable, is it possible to separate a personal sympathy with an author from the young admiration of his works? We do not enter into his labours as into some strange and dreamy world, raised by the touch of a forgotten enchanter; the affections are breathing around us, and the author being dead, yet speaks in accents triumphant over death and time. As from the dead level of an utilitarian philosophy no mighty work of genius ever issues, so never can such a work be enjoyed except in happy forgetfulness of its doctrines, which always softens the harshest creed. But I believe that those who thus plead for the people are wholly unauthorized by their feelings; that the poor of these realms are richer in spirit than as their advocates understand them; and that they would feel a pride in bestowing their contributions in the expression of respect to that great intellectual ancestry whose fame is as much theirs as it is the boast of the loftiest amongst us. I do not believe, that the people of Scotland share in the exultation of the publishers who have successively sent among them cheap editions of the "*Lay of the Last Minstrel*, *Marmion*, *and the Lady of the Lake*," that they can buy them at a lower price than if the great minstrel who produced them were still among the living. I cannot believe that they can so soon forget their obligations to one who has given to their beautiful country a place in the imagination of mankind which may well compensate for the loss of that political individuality they so long and so proudly enjoyed as to count with satisfaction the pence they may save by that premature death which gave his copyrights to contesting publishers, and left his halls silent and cold. It is too late to do justice to Burns; but I cannot believe the peasant who should be inspired by him to walk "in glory and in joy following his plough upon the mountain side," or who casting his prideful look on Saturday evening around his circle of children, feels his pleasure heightened and reduplicated in the poet's mirror, would regret to think that the well-thumbed volume which had made him conscious of such riches had paid the charge of some sixpence towards that poet's children. There is only one other consideration I would suggest before I sit down, which relates not to any class, but to the community and our duties towards them. It is thus expressed in Mr. Wordsworth's petition—"That this bill has for its main object to relieve men of letters from the thraldom of being forced to court the living generation to aid them in rising above slavish taste and degraded prejudice, and to encourage them to rely on their own impulses." Surely this is an object worthy of the Legislature of a great people; especially in an age where restless activity and increasing knowledge present temptations to the slight and the showy which do not exist in a ruder age. Let those who "to beguile the time look like the time," have their fair scope—let cheap and innocent publications be multiplied as much as you please, still the character of the age demands something impressed with a nobler labour and directed to a higher aim. "The immortal mind craves objects that endure." The printers need not fear. There will not be too many candidates for "a bright renown," which only falls in when the ear shall be deaf to human praise. I have been accused of asking you to legislate "on some sort of sentimental feeling;" I deny the charge; the living truth is with us, the spectral phantoms of depopulated printing houses and shops are with our opponents. If I were here beseeching indulgence for the frailties and excesses which sometimes attend fine talents—if I were appealing to your sympathy on behalf of crushed hopes and irregular aspirations, I might justly be thus charged; not for the wild but for the sage; not for the perishing but for the eternal; for him who, poet, philosopher, or historian, girds himself for some toil lasting as life—lays aside all frivolous pursuits for one virtuous purpose—that when encouraged by the distant hope of that "All hail hereafter," which shall welcome him among the heirs of fame, he may not shudder to think of it as sounding with hollow mockery in the ears of those whom he loves, and waking sullen echoes by the side of a cheerless hearthstone. For such I ask this boon, and through them for mankind—and I ask it in the confidence with the expression of which your veteran petitioner Wordsworth closes his appeal to you—"that in this, as in all other cases, justice is capable of working out its own expediency."

Mr. *Hume* hoped that the House would not be led away by the eloquence of the hon. and learned Gentleman who had just sat down. He would join in all that hon. and learned Gentleman had said in praise of literary men, but he could not agree with that hon. and learned Gentleman as to the necessity which he fancied to exist for the change of the law on this subject. If the law, as it at present existed, were such as to prevent authors from undertaking literary works, then it might be worthy of the consideration of the House, whether they should not make such alteration in the law as might induce authors to undertake those works, but every word that the hon. and learned Gentleman had said, in praise of the literary men of the present day, was an argument against any extension of the present period of copyright. The extension of the copyright from twenty-eight to sixty years, as proposed by the hon. and learned Gentleman, would not be of any benefit to authors in more than one case out of 500, and he would put it to the House, whether they would consent to any legislative enactment, having for its object the possible advantage of one man in 500, which would operate to the direct and immediate injury of thousands. The hon. and learned Gentleman had found great fault with cheap books—he seemed disposed to prevent the diffusion of literature, at least, so he judged from his talking of the paltry consideration of one man selling books cheaper than another. He considered that the statements which had been made last year by his hon. Friend, the Member for Finsbury, remained still unanswered, and disposed of the case. The hon. and learned Gentleman did not seem to see the full weight of what he had said with regard to the extended circulation of the works of Dr. Doddridge. Those works would not have been so extensively circulated had the copyright continued in Doddridge's son, and he sold it to some publisher—and in 499 cases out of 500 this would be the case—and the proposed measure would give a monopoly to another, and not to the author. He believed, that authors, although in general they stood as much in need of money as most men, yet were not in general actuated by pecuniary considerations. He believed they were actuated by motives of a higher order. He considered, that this was an attempt to cramp the literature of the country, and to prevent the diffusion of knowledge. The interests of the author would not be benefitted by this bill. If the authors thought that their pecuniary interests would be advanced by the bill, of course they would support it; but the interests of the public ought to be considered. It was most important, that the people should be furnished with cheap information; and he believed that this bill would limit the multiplication of copies, and increase the price of books, and that it would do incalculably more mischief to the present generation, and to succeeding generations, than it would do benefit to the authors. On the ground of these objections, which had been supported by many eminent individuals who had devoted their lives to the improvement of their fellow-creatures, he moved that the bill be read a second time that day six months.

Mr. *O'Connell* wished to record his opinion upon this subject. He totally differed from his hon. Friend, the Member for Kilkenny, in supposing that this bill was calculated to limit the extension of knowledge. He thought, on the contrary, that it would instigate—that it would give a stimulus to—the advancement of knowledge; and that it would be a mode of making the people become acquainted with the arts and sciences, and all the improvements that might, from time to time, take place in them, by providing that authors who devoted their time and talents to those subjects should meet with an adequate reward. If there was any property solely and exclusively confined to one individual it was literary property, for in the making or procuring of every other description of property the assistance of others was required. Why not, then, apply the principle of fixity in one case as well as the other? If a man caused a house to be built for him, he could leave it in perpetuity to his children. Why not extend the same advantage to a man who by the greatness of his genius, and the power of his intellect, had enlightened, afforded happiness to, and increased the knowledge of, his fellow-men to a great extent? The question was, in his humble opinion, worthy of this enlightened age; but he felt that it was not creditable to them to hesitate one moment in giving perpetuity to literary property. He had the utmost pleasure in supporting the measure.

Mr. *Baines* had no hesitation in saying, that it would be difficult for the House to adopt a measure more calculated to be injurious to the spread of knowledge than the present. How stood the question? Simply thus,—that the author who possessed the right of publication for twenty-eight years at present was to have that right extended, according to this bill, to the period of sixty years. Now, the first thing which they had to consider, sitting in that House as they were, the guardians of the public interest, was, how far that proposition, if carried into effect, would operate on the spread of knowledge? He put out of question altogether private and individual interests—the interests of printers as well as booksellers, conceiving that their sole duty was to ascertain how the public generally would be affected by it. That two particular results would arise from this measure he was convinced—first, that books would be sold a great deal dearer at the expiration of twenty-eight years after publication than they were at present at the end of that period; and secondly, that it would lead to endless litigation, because of the difficulty of fixing what it should be said was or was not copyright. Extending the period to sixty years, would give rise to questions respecting literary property which would be continually involving authors and publishers in litigation. Besides, it did not extend solely to original works. It extended to encyclopædias and such like publications, where the difficulty of fixing the originality of the articles they contained would be exceedingly great. It was, moreover, an *ex post facto* law, and therefore still more objectionable. It gave to authors the copyright of works already published for sixty years, instead of twenty-eight. There was just as much right to take from the author's term fourteen years as to deprive the public of thirty-two years' right—which was the effect of this bill. As far as he was personally concerned, he had an interest in the law of copyright being extended, because he had several productions of his own to which that law applied. The House would, therefore, understand, that he was was not arguing this question upon individual interests, but upon personal grounds. He was sure that the House would be of opinion, that it was a subject for grave consideration, and one that they would well weigh before they deprived the public of a privilege which they had enjoyed for upwards of 100 years. There could be no doubt, that the persons who had petitioned the House were interested parties. In saying that, he did not wish to underrate their great abilities, but still he could not lose sight of the fact, that they were persons who were interested in the extension of the present law of copyright. He would ask, if the House were disposed to extend the privileges of authors to sixty years, why should not a similar privilege be extended to patents? What would the House say if a patentee came to them, stating—"You have extended the law of copyright to sixty years, now we have invented improvements in machinery which required great skill on our part, and we, therefore, ask you to grant the same indulgence to us." How would the House meet such a request? It could not deny, that such men as Arkwright, Watt, and Sir R. Peel had conferred as much benefit on society as Sir Walter Scott; and if they had conferred as much benefit, they had as much right to expect protection as authors themselves. His only object was to secure to the public all the benefits which they ought to have; and upon that principle, and upon that principle alone, he was anxious that the law should remain unaltered, being convinced that the law, as it at present existed, was quite sufficient adequately to reward authors, and protect the interests of the public.

Mr. *Warburton* could not permit the House to divide upon so important a subject without offering a few remarks upon it. The bill of the hon. and learned Gentleman was just such a bill as they might expect from an assembly of carpenters or shoemakers legislating upon their own affairs. It was a bill framed entirely for the parties interested, at the same time that he thought it would fail in its object. But, inasmuch as it would be detrimental in another point of view, he should most strenuously oppose it. It was in evidence in reports which were before the House on this subject, that the pecuniary reversion to authors was exceedingly small, while their parting with that reversion was giving to the public what was of inestimable price to the public. The House would see, therefore, that the value to the public was immense, while the pecuniary value to authors was exceedingly small. What more reasonable compromise could there be made? Supposing the bill to be in operation, were hon. Members certain, that under peculiar circumstances — circumstances which were frequently occurring to authors — they would neither receive advances nor part with their works to the publisher altogether? In works requiring a considerable time, and where expense must likewise be encountered, was it not more probable that such would take place. The object of the author, as of the publisher, was to obtain immediate advances, and was it possible by any arrangement they could make under this bill to prevent authors, first from receiving those advances, and then parting with the work altogether? Was the author likely in that case to make a much better bargain than he would at present? By no means; while by his doing so, he, or rather the Legislature which permitted it, would be depriving the public of what they were fairly entitled to, and to which they certainly had a stronger claim than the publisher, to whom the additional pecuniary benefit, should any arise, would fall. Then, again, could they by any power under this bill control the descendants of authors from disposing of the copyright of his works? For his part he could not see what security the bill gave to authors for those increased advantages which the hon. and learned Gentleman who brought it forward had so eloquently described. When the publication of a work was open to the trade at large, the price necessarily fell, and the public were thereby benefited. In extending the copyright from twenty-eight to sixty years, either they would, or would not, raise the price to the public. If they did not, no benefit could accrue to the author. He, therefore, contended, that the effect of the measure would not be that which its authors anticipated from it, for it must produce an increase in the price of books. It was well known, that, at the present moment there were many works of which the trade desired to see new editions, but which, nevertheless, were neither producing profit to the authors nor the owners of the copyright—an evil which, as it appeared to him, the present bill would not fail to aggravate. If the bill of the hon. and learned Member for Reading were to pass into a law, it would be impossible to republish old works without a tedious, expensive, and troublesome process, including an application to the Court of Chancery, to say nothing of its imposing upon publishers an obligation from which other persons in trade were exempt, that of giving public notice of the speculations in which they were about to engage, and that was hardly fair, when other persons in business were allowed to keep their operations secret. There was another portion of the bill to which he entertained an equally strong objection, and that was the prohibition against the re-publication of works alleged to be not yet out of print. Surely nothing would be easier than for parties interested in the non-publication of a work to make it appear at any time they thought proper, that it was not out of print, by keeping 100 copies on a shelf, and offering to supply such number of copies as those who might wish for a reprint desired to purchase; that, however, would be anything but giving to the public the advantages of a re-publication. Under the bill as it stood, a Government adverse to popular rights might prevent the diffusion of political information, and he did not hesitate to say, that if such a measure were to pass into a law, the public would be deprived of many advantages arising from literature and science which they had long enjoyed, and which of late years they had much improved by means of a vast increase of cheap publications; but, according to some hon. Members who had taken a part in the present discussion, those cheap publications were a great evil, and nothing was more to be desired than, that books should become somewhat dearer than they were at present; but, if to that extent the argument were good for anything, it would have to be carried a little further, and if one step, why not two? and let the House only see how it would work if carried out. Why, it would amount to this—that the dearer books were the better. Looking, then, at the interest which the country had in the proper decision of the question that night brought before the House, he did hope, that the Representatives of the people would not agree to pass such a bill, and he further hoped, that on a Wednesday evening, when few Members were present, and Ministers very rarely attended, a measure like the present would not be again brought under the consideration of Parliament, for he conceived it to be fully as important as any other which could come before them.

Sir *R. H. Inglis* expressed an earnest hope that the House would permit its judgment to be influenced by the sound reasoning which they had heard on the subject of the present bill, and not allow themselves to be led away by the emphatic manner in which they had been addressed by the hon. Member for Bridport, who had appealed to them with the intensity of a martyr. It must be evident to all who had listened to the hon. Member that every one of his arguments went not so much against the present bill as against copyright as such. If the main end and object of all bills affecting copyright ought to be that of securing cheap books, let the hon. Member at once move the repeal of the existing law.

The *Solicitor-General* said, that he had always felt an invincible repugnance to the present measure. The hon. Baronet who had just sat down told the House that the arguments of the hon. Member for Bridport applied to all copyrights. In a certain sense that was true, but not practically true. His own opinion was, that books should be had for the benefit of the public at the lowest possible price, and therefore no greater inducement should be held out to authors than was necessary for securing the production of the desired works. Experience had proved, that a certain advantage must be given to authors, to that extent he was willing to go, but no further; and therefore, if it could be shown that the present term of copyright was insufficient to remunerate the author, he should not object to its extension. One anomalous instance had been referred to—that of Mr. Wordsworth; surely it would not be said that one case of that nature ought to overrule so extensive a principle as that for which he had been contending; indeed, if his hon. and learned friend had proposed to give a remedy by means of an application to the Privy Council, as was incident to patents, the proposition would have been materially altered; but, do what they might with it, he could never bring himself to support any measure which went further than to give authors the *minimum* of reward—he did not think the Legislature was in conscience at liberty to go further. *Paley's Evidences* might now be purchased, he believed, for sixpence. If the proposed law of copyright had been in force, that elaborate work would not now be in the hands of the humbler classes, neither would the *Natural Theology* by the same author, come within their reach. Both these works might have had the effect of removing painful doubts from the minds of many readers into whose hands they would never have come if they bore a high price. He entreated the House not to allow themselves to think that they were dealing with an unimportant subject; it was one materially affecting the good taste, the good feeling, the morals, and religion of the people at large. He was as ready as any man to admit that some reward must be given to authors, but the property which they had in their works was in no respect analogous to a property in that box or that table. If a right to corporeal possessions were not given by the law, they would not be produced, but it was a totally different case with the creations of mind. The exclusive right of multiplying copies was a creation of the law, and one which ought not to be extended beyond the point which the interests of the public required. He should conclude by declaring that he was opposed to all copy right excepting that which was necessary to secure the production of works of literature and science.

The *Chancellor of the Exchequer* said, that, differing as he did from the principles laid down by his hon. and learned Friend, the Solicitor-General, and the conclusion to which he had come, he did not think it would be fair to himself or to the House if he did not state the grounds on which he should vote for the bill. They had got an admission from his hon. and learned Friend, that some law of copyright was essential. He contended it was a question whether the amount of protection at present given was enough, and the recital of the facts which his hon. and learned Friend (Mr. Talfourd) had made to the House that night, proved, that, under the existing state of the law, the protection was not adequate. No one could be more eager and anxious for the diffusion of knowledge than he was, but, in the first instance, that knowledge must be created, and if men of the highest eminence were left without adequate reward, the inducement to apply literary talent to the creation of knowledge was diminished. But again, with respect to the cheapness of books? What had been the phenomena going on under their own eyes? Had books become cheaper or dearer since the extension of the copyright in 1814? Was it not within the knowledge of every individual, that books had become cheaper since that time, were daily becoming cheaper, and thus becoming more accessible to the mass of mankind. It was the interest of the persons who published, whether he were an author or a bookseller, to print the books in a cheap shape. The same motive would continue to operate, and the wider the circle of literature was extended, embracing the humbler classes, the more certain might the House be, that the author, for his own sake, and with a view to his own interests, would print his book in as cheap a shape as possible, in order to make it more generally accessible to the public. He implored the House not to refuse to the author, in his last moments, that share of reward which he might have earned by his industry and talent. His hon. and learned Friend the Solicitor General had said, that if there was anything peculiar in the case of Mr. Wordsworth, the way to meet it would be to give a power to the Privy Council to extend the copyright. Why, that admission was an argument against the existing state of the law, and it was an additional argument in favour of his hon. and learned Friend's Bill. He should support an extension of the period during which an author was given an interest in his works, the more especially as it was well known that there existed now a practical extension of the copyright of many books, not for the benefit of the author, but the advantage of the trade. There was in every book worth publishing a latent copyright formed by arrangements which the booksellers made amongst themselves—the benefit of that might as well be given to the author as to the publisher. One word more before he sat down. The hon. Member for Bridport had complained, that the discussion upon this bill was brought on upon a Wednesday, and had asked his hon. and learned Friend to fix some other day for the discussion of it. He begged of his hon. and learned Friend not to attend to any such suggestion, because if he fixed upon any other order day, the moment he got, up, probably, eleven o'clock, he would be met by a complaint, that a subject of such vast importance was to be brought on at that late hour, and the bill would perhaps be indefinitely postponed without the least chance of its being passed this Session. The bill was of great public importance; they had no right to assume, that those Gentlemen who felt an interest either for it or against it would not attend in their places, and no engagement would prevent him attending to give it his support at any time.

House divided.—Ayes 73—Noes 37—Majority 36.

List of the AYES.

Acland, T. D.
Aglionby, Major
Ainsworth, P.
Arbuthnott, hon. H.
Archbold, R.
Attwood, W.

Barnard, E. G.
Barrington, Viscount
Beamish, F. B.
Bodkin, J. J.
Bramston, T. W.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Bulwer, Sir L.
Butler, hon. Colonel
Christopher, R. A.
Currie, W.
Dalmeny, Lord
Dunbar, G.
Dungannon, Viscount
Estcourt, T.
Farnham, E. B.
Fielden, J.
Fort, J.
Gaskell, J. M.
Gladstone, W. E.
Goddard, A.
Godson, R.
Halford, H.
Hepburn, Sir T. B.
Hodgson, R.
Holmes, W.
Horsman, E.
Houstoun, G.
Howard, P. H.
Irton, S.
Jones, J.
Lennox, Lord A.
Lockhart, A. M.
Mackenzie, T.
Macleod, R.
Macnamara, Major
Mahon, Viscount
Marsland, T.
Milnes, R. M
Moreton, hon. A. H.
Murray, A.
Murray, rt. hon. J.
O'Connell, D.
O'Connell, M. J.
Palmer, C. F.
Parker, M.
Planta, right hon. J.
Plumptre, J. P.
Praed, W. M.
Praed, W. T.
Pringle, A.
Pusey, P.
Rice, right hon. T. S.
Roche, Sir D.
Rolleston, L.
Round, J.
Sibthorp, Colonel
Stanley, E.
Stuart, V.
Strickland, Sir G.
Tancred, H. W.
Tennent, J. E.
Thompson, Alderman
Vigors, N. A.
Vivian, J. E.

TELLERS.
Talfourd, Sergeant
Inglis, Sir R.

List of the NOES.

Aglionby, H. A.
Baines, E.
Blake, M. J.
Blake, W. J.
Broadley, H.
Busfield, W.
Currie, R.
Duckworth, S.
Duncombe, T.
Dundas, C. W. D.
Evans, W.
Finch, F.
Hastie, A.
Hobhouse, T. B.
Hughes, W. B.
Hume, J.
Jervis, J.
Johnson, General
Leader, J. T.
Lushington, C.
Marsland, H.
O'Brien, W. S.
Parrott, J.
Philips, M.
Pryme, G.
Rice, E. R.
Richards, R.
Salwey, Colonel
Speirs, A.
Stock, Dr.
Strutt, E.
Style, Sir C.
Thornely, T.
Turner, E.
Villiers, C. P.
Wakley, T.
Walker, R.

TELLERS.
Rolfe, Sir R. M.
Warburton, H.

Bill read a second time.

PUBLIC WORKS.—INCREASE OF DEBT.] The Chancellor of the Exchequer in a Committee of Ways and Means, proposed a resolution for a transfer of aids.

Mr. *Hume* would take that opportunity of giving notice that upon an early day he would move that a separate account be presented of all issues from the Treasury of Exchequer Bills for Public Works. The accounts were at present kept in a confused manner, and there was much room for improvement.

The *Chancellor of the Exchequer* begged to assure his hon. Friend and the House, that he was most anxious to do all in his power to render the accounts as simple as possible. He would take that opportunity of stating to the House that he had not in any manner departed from the old practice in making out the public accounts. The suggestion that he had done so was unfounded.

Mr. *Hume* thought this was a matter well deserving the attention of the Chancellor of the Exchequer. The charge made against the right hon. Gentleman, however, was not for altering the public accounts, but for having last year so managed the accounts as to add 2,000,000*l.* or 3,000,000*l.* to the national debt without the sanction of that House; and he (Mr. Hume) believed the charge was quite true. The funded debt of the country was increased by the exchange which had been effected, Exchequer bills being bought by saving-banks money, and converted into 3 per cent. stock, utterly without the knowledge or sanction of Parliament. Two millions of Exchequer-bills had been taken out of circulation, and the result was, as he had stated, the House and the country only arriving at a knowledge of the fact through the production of certain returns for which he had moved in the course of last Session. He did not mean to say that the regular market-price had not been paid; he did not mean to say that the operation was not essential to public credit, and was, on the whole, beneficial: he did not quarrel with the fact, but with the mode in which it was effected. This was the ground of complaint; and what, he would ask, was going on now? It was well known the expenditure exceeded the income. The Bank, it was alleged, made no advances, and it was quite clear the right hon. Gentleman could not make up his deficiency of a million and a half without some resources. The interest of the public required that the mystery in this matter should be cleared up.

The *Chancellor of the Exchequer* said, the mystery he had formerly alluded to respected the form of the accounts, which, in some way or another, had been supposed not to communicate to the public the information they had been accustomed to receive. But nothing in the whole world could be more unfounded. With regard to the particular operation, to which his hon. Friend now referred, one might imagine, from what had fallen from him, that some act had been done by the Treasury which there was no law to warrant. The fact, however, was otherwise. The whole of that proceeding originated in, and was supported by, the authority of the law passed several years back—in 1827, he believed—which allowed such operations; and the knowledge of the fact could by that law only be communicated to the House by the statement of the Exchequer-bills so transferred.

Mr. *Hume* was aware of the existence of that law. It passed when Mr. Herries was Chancellor of the Exchequer; and he perfectly well recollected objecting to it at the time; but he was told that his alarms were groundless, and that no person would add to the funded debt of the country without consulting Parliament. That was so far true, for up to last year it had never been acted upon; and he did complain, that, with an increased expenditure, the national debt and burdens of the country had thereby been augmented. He hoped the present Session would not pass without a correction of the evil. One Chancellor of the Exchequer might do one thing, and another another; they might go on expending the resources and increasing the funded debt of the country without the knowledge of Parliament. Such a state of things could not be permitted to continue, and, with the view of bringing the matter fairly before the House, he should shortly move for similar returns to those he had called for last Session.

Resolution agreed to.

HOUSE OF LORDS,

Thursday, February 28, 1839.

MINUTES.] Bill. Read a third time:—Poor-law Act Amendment (Ireland).

Petitions presented. By Lord RIPON, from Ripon, for Church Extension in Canada; also for a system of National Education founded upon the principles of the Established Church; also from a number of places, against the Repeal of the Corn-laws.—By the Earl of SHAFTESBURY, from two places, against any Alteration in the Poor-laws.—By the Earl of HADDINGTON, from two places, and by the Earl of ABERDEEN, from a number of places, for Church Extension in Scotland.

ASSASSINATION OF THE EARL OF NORBURY.] The Earl of *Charleville* wished to call the attention of the noble Marquess opposite, to a paper which he held in his hand, and which had reference to a subject to which, hitherto, he had most anxiously avoided making any allusion. That subject was the murder of the Earl of Norbury. When it was formerly mentioned in that House, he was unwilling to touch on it; and he had carefully avoided alluding to it since that time, because he was anxious to have certain petitions in his hands before he brought the circumstance under the consideration of their Lordships. Neither was it now his intention to enter into any particulars that he could possibly avoid; but, after reading the paper to which he had adverted, he felt that he should be guilty of a great neglect, of a gross dereliction of his duty, if he were not to call the attention of the noble Marquess opposite to this subject, and to ask the noble Marquess either to confirm the statement which he was about to make, or to refute it, if he erred in any point. He was about to speak of the matter as it occurred to himself. He was the first magistrate who arrived on the spot after the foul occurrence took place, and he could state that no such information or report as that which was referred to in the paper which he held in his hand had reached him, up to the present hour, from any decent, respectable, or creditable source. He had hoped, that the remarks made by the noble and learned Lord opposite (Lord Brougham) on the first night of the Session, would have effectually put an end to the insinuations which had been thrown out about the impression of a well-formed shoe or of a neat boot being discovered at the place where the crime was perpetrated. But, notwithstanding the explanation given in another Assembly, notwithstanding what had been said in their Lordships' House, he found that a Dublin newspaper (the circulation of which might not perhaps be very extensive, but the opinions of which, from its connexion with a certain individual, were calculated to create a strong impression on the public mind in Ireland)—he found that that newspaper on Wednesday last, the 20th of February, contained a repetition of those obnoxious statements. The insinuations against an individual were accompanied by some mysterious allusions, but the former reports were restated, and in a way that called for some explanation from the noble Marquess. The paper which he held in his hand, was the *Pilot* newspaper. The article came to his knowledge by accident; but he had been fortunate enough to procure the paper itself. The article ran thus: the noble Earl here read the article:—

> " But there is an object at the bottom for the party. The fact of the well-made shoe goes to disprove the slander of the factious Lords on the poor people of Ireland. Its object is to intimidate the Liberal press from stating the facts by imputing to it the adhering by that statement to a libel on a nobleman. We shall not be thus intimidated. The character of that nobleman stands too high to be influenced by a statement that an assassin wore a neat shoe, or by any general statement about reports, or by the murderous commentaries. We repeat the statement, that the assassin, whoever he was, wore a well-made boot or shoe, and not a brogue. Yes, it can be proved, and will be, whenever there is a trial. The pattern of this shoe-sole was taken ten minutes after the murder by a respectable person, upon whose authority we state it."

Now, in the presence of their Lordships, he decidedly contradicted the entire of that statement. But if the fact were true, he would ask, whether anything more convincing could be required to prove that a conspiracy did exist in Ireland? If this respectable person, within ten minutes, prepared with tracing paper, took a pattern of this footmark—if his ends were honest—if his intentions were just—if it were not a pre-formed and a pre-arranged plot, he would ask, why no magistrate was informed of the circumstance? Why did not that individual, whoever he was, appear at the coroner's inquest? If he was told that that inquest was not fairly chosen, he would say that several gentlemen—he was not aware of the precise number, but several gentlemen holding the strongest and most liberal opinions—were members of that jury; several leading Roman Catholic gentlemen of great respectability, were on that jury. He attended that inquest. Within the court and without it they called, and repeatedly called and inquired, if any one was there prepared to come forward with any evidence. No one, however, did appear. The paper went on to state (and he called the attention of the noble Marquess to the fact), that "the policemen who visited the spot in the morning all stated in the hearing of several persons, whose testimony we can procure, that whoever did it wore a well-made shoe or boot, small at the heel."—[The Marquess of *Normanby*: Does it state one or more policemen?] Several. It says " the policemen." " This we state upon positive authority. It is the fact. The assassin of Lord Norbury wore, we believe, a well-formed boot or shoe, and not a brogue." This was in large Roman capital letters:—

> " We charge no one; we insinuate nothing against any one; we cannot formally accuse any one; we only say, that there have been various reports, to some of which we have given circulation. We disclaim having directly or indirectly charged any one with the murder. The *Mail* threatens us with an action. We give them perfect liberty. Our reporter will be our evidence."

He believed that the reporter was the informer on the occasion. The article proceeded—

> " He can state who was and who was not called. Curious things must come out. Lords Oxmantown and Charleville may get a sifting, but we shall remain unimpeached."

How stood the case? He was the first magistrate who arrived after the murder. The first words he spoke were to give an order to the chief constable of police, who was in attendance with a large force of men, to take possession of all the avenues leading to the spot. The orders were given by him in his capacity of a magistrate. Of course, as to what happened ten minutes after the murder or up to the time when he arrived he had no knowledge. But this he could aver, that, up to the present moment, he had never heard, from any authority, the least proof of that most extraordinary statement. The noble Marquess, being then Lord-lieutenant of Ireland, sent down to investigate the circumstances attending the murder the provincial inspector of police, Mr. Brownrigg, accompanied by a stipendiary magistrate, Mr. Hill. It was for them to inquire whether the police knew anything of the circumstances of the case. The Irish government might have no confidence in him, but surely they must have confidence in their own officers. He knew that confidential reports were sent to the Irish Government, and the noble Marquess could correct him if his impression were erroneous. He begged again to state, that he had no object in addressing their Lordships, except to give the most distinct denial to these statements, in order to tranquillize the public mind in Ireland, for he knew it had been very much excited and distracted upon the present occasion. He did not want at all to punish the newspaper, or in any way to call it to account, but he begged to set these imputations at rest, for he knew that the topics were brought forward with the sole object of diverting public attention from the real perpetrator of the crime. Having such an object in view, he thought it was his duty to call their Lordships' attention to the subject; and he did hope that the noble Marquess might be enabled to put an end at once, and for ever, to these, in his opinion, most false and absurd reports. He was, perhaps, the first person who visited the spot on the morning after the murder. He saw nothing to lead him to suspect any such report to have any foundation. Later in the day he was occupied in the examination of witnesses. Other magistrates attended and ordered a plan of the spot to be taken by the clerk of the works and the surveyors in attendance. He did tell a friend of his, upon the occasion, a learned gentleman, that if any track was made by a well-made boot, it might have been made by the boot of Mr. Toler, the second son of Lord Norbury, who was then upon a visit to his father. A system of warfare now was carrying on upon all the constituted authorities of Ireland. It was not long ago that it was stated, in a newspaper of that country, that many of the outrages complained of were committed by policemen in disguise. Yet the same paper contained an admission that the policemen were generally of very good character. He wished to ask, whether any information had reached the noble Marquess, which at all inclined him to suppose that any marks which were found upon the spot correspond with the description he had alluded to.

The Marquess of *Normanby* said, the noble Earl had undoubtedly a right to put the question, and he only regretted that the noble Earl had occupied so much of their Lordships' time in reading a long article which he had never seen, and founding an argument on it. He should, however, answer the question of the noble Earl in a very few words, and to the best of his power, reserving anything he might wish to say upon the conduct of the investigation, the zeal and activity of the officers employed in it, and the co-operation they ought to have received, till a future and more fitting occasion. The question was, whether any information had been received by the Government, tending to confirm the suspicion that there was seen a foot-mark corresponding with the boot or shoe that would be worn by a person of a better class than the peasantry. Now, he thought it right to inform their Lordships, that he had never received any information which could lead him to believe that such a circumstance was possible, till he heard what was reported in the public papers, with regard to a statement of an hon. and learned Gentleman in another place, namely, if there were such a footmark, it must be attributed to the cause which the noble Earl had just stated. Mr. Brownrigg, the provincial inspector employed in the investigation, had been in constant communication with the Government, and he had asked Mr. Brownrigg whether he believed it to be possible that such a track could have been observed by any person without his having perceived it. Mr. Brownrigg at once stated to him, that the first time he heard of such a thing was after an hon. and learned Gentleman had mentioned it in another place; that he had investigated every thing, and that he had never observed any such footmark. This was an answer to the noble Earl's question. That such information could not have been received from a police-constable was evident, because an officer in that corps would, according to his duty, had he possessed such information, have undoubtedly communicated it to the chief constable, by whom it would have been submitted to the stipendiary magistrate, and by him laid, in the ordinary course, before the Government.

Subject dropped.

Lord Ebrington.—Lord-Lieutenant of Ireland.] Lord *Lyndhurst* was anxious to put a question to the noble Viscount opposite. At no distant day the noble Lord, who had been appointed to the office of Lord-lieutenant of Ireland, stated, in reference to the Irish Tithe Bill, that though he did not approve of that measure, he should support it, because he considered that the effect of it would be "to render the war that was then waging against the Protestant church in Ireland more formidable." Now, the direct and necessary inference from those words was this—that the noble Lord who uttered them was desirous that the war then waging against the Protestant church in Ireland should continue, and that it should assume a more formidable character. He wished, therefore, to ask the noble Viscount, whether, when he recommended the noble Lord to this important office, he was aware of these observations. If he were, the state of things in Ireland with reference to the Protestant Church in that country—ay, and with reference to the Protestant Church in England—was disheartening indeed. The natural consequence of this appointment was, that the noble Lord should be desirous of giving effect to those sentiments and principles—that he should be desirous that the war waging against the Protestant Church in Ireland should continue to assume a more formidable character. Under such circumstances, one must naturally suppose, that the whole influence of the Irish Government would be used for the purpose of stimulating that war, and of giving to it the most formidable character. If those observations to which he referred were disavowed, or if the noble Lord was restrained by the obligation of his oath (to which he called the attention of the noble Viscount), still would there not exist a feeling on the part of those who waged this war, that by pursuing it with inveteracy, they would be acting consistently with the wishes of those who were at the head of affairs in this country? But there was another inference, which would inevitably be drawn if the noble Viscount answered his question in the affirmative. The inference would be, that the noble Viscount had adopted those sentiments, and was ready to wage war against the Established Church in Ireland, and, he would take leave to add, against the Protestant Church of this country. He now distinctly asked the noble Viscount whether, when he recommended that noble Lord to fill the situation of Lord-lieutenant of Ireland, he was aware of the observations to which he had drawn the noble Viscount's attention?

Viscount *Melbourne* said, it was not orderly or regular to ask a question in that House having reference to what was supposed to have passed in debate in the other House of Parliament.

Lord *Lyndhurst.*—It is matter of history.

Viscount *Melbourne*, certainly was not aware of every observation and every expression that might have been made use of by his noble Friend, to whom the noble and learned Lord had alluded. Neither was he aware of those peculiar opinions which had been attributed to his noble Friend by the noble and learned Lord on the present occasion. The Government was anxious to strengthen the Protestant Church in Ireland, and he was perfectly aware that his noble Friend was favourable to the measures which Ministers had endeavoured to carry to effect that object. He knew that the imputation which the noble and learned Lord now threw forth was the same which had been cast by him, and by all those who acted with him, on those who supported the measures of Government with respect to the Irish Church. But he held it to be entirely unjust and entirely without foundation. He was not precisely aware of the particular sentiments and observations that had been referred to; but he was aware of his noble Friend's opinion on this subject; and he thought there was nothing in those opinions that rendered him unfit for the situation which her Majesty had conferred on him, or that in any degree afforded just ground for the alarm that had been expressed by the noble and learned Lord.

Lord *Wharncliffe* never heard a more unsatisfactory reply than that just given by the noble Viscount. His noble and learned Friend asked, not whether the noble Lord who was appointed to act as Lord-lieutenant of Ireland had supported certain measures of Government, but whether in supporting them, the noble Viscount was aware that he had made use of expressions which evidently pointed at something more—in fact, to nothing less than the ruin of the Protestant establishment in Ireland? He had the honour of the acquaintance of the noble Lord, and he believed that the noble Lord deservedly enjoyed the esteem and regard of all who knew him. He therefore confessed, that, for the noble Lord's sake, he was sorry he was going to Ireland—that he was going with that speech affixed to him, because the inference deducible from those expressions was of a most dangerous character. Let them not talk about the irregularity of alluding to what had passed in another place. It was not irregular to notice it in this instance, because what was alluded to had taken place in a former

Session, and was now matter of history. How could the noble Lord proceed to the Government of Ireland, with those expressions attached to his name, without rousing the jealousy and fear of every Protestant in hat country, and exciting the hopes of every Roman Catholic, by encouraging him to think, that under the noble Lord's Government, he would have a better chance of obtaining his wishes? With respect to the Government by whom the noble Lord was appointed, their conduct must be taken as a clear proof that they did not contemplate the measures which they introduced with reference to the Protestant Church in Ireland as final measures.

The Marquess of *Westmeath* said, the other evening, when a noble Friend of his (the Earl of Roden) had expressed an opinion that the situation of Lord-lieutenant of Ireland might be abrogated without disadvantage, he had cheered the sentiment, upon which the noble Viscount read them an awful lecture, if not by his words, at least by his manner. What had now occurred gave, in his opinion, additional force to that sentiment. He was of opintion, that another administration like that of the late Lord-lieutenant would materially endanger the institutions of Ireland. It became the noble Viscount opposite more than any other Minister that ever guided the helm of State, to mind what he was about with respect to Ireland; for there was a mine under that country which required only another torch to be placed to it to blow it up. As an instance of the dangerous use which was made of her Majesty's name by certain parties in Ireland, he begged leave to read a placard which he had received from the county of Westmeath on Tuesday last. The notice was to the effect, that a meeting of the Precursor Society would be held at Castle Pollard on Sunday, the 24th, at one o'clock for the purpose of extending a branch of the society over the barony of Dennycour in that county—"God Save the Queen"—thereby associating the name of her Majesty with those of persons whose object was to impose on the credulous, ignorant, and unfortunate, but he would say amiable people of that country; who, under a different Government from that which existed at present—a Government that had disgraced England in the eyes of all Europe—would be prosperous and happy.

The Marquess of *Lansdowne* said, if any individual ever enjoyed the respect and esteem of all who were acquainted with him, it was the noble Lord to whom allusion had been made. The noble Lord (Wharncliffe) had expressed his regret that his noble Friend was going to Ireland. Now, far from being a matter of regret, it was a matter of positive satisfaction to him that his noble Friend, possessing so high a character, had been selected by her Majesty as a proper person to fill this important situation. In the somewhat irregular conversation in which their Lordships had been engaged, under the guise of a question, an attempt had been made, with great ingenuity, by the noble and learned Lord, to select some phrase reported to have been used by his noble Friend—he knew not with what truth—he knew not whether correctly reported or not—for the purpose of creating an injurious impression against the character of his noble Friend, and endeavouring, by imputation, to damage the character—to damage the name with which he proceeded to Ireland to administer impartially the government of that country. Their Lordships' opinion of that noble Lord ought to be formed not from a particular expression, picked out on purpose, but from his general conduct; and, certainly, his character for attachment to the constitution of the country, and for attachment to the church to which he belonged, as well as his general moral character, in every respect pointed him as well qualified to fill the situation for which he had been chosen. He must be permitted to add, too, that if there was a noble Lord in that House who was eminently interested in not having a particular expression, which was used in one of the Houses of Parliament, selected without its context as a disqualification for office, that individual was the noble and learned Lord himself.

Lord *Lyndhurst* begged, with all deference and submission to the noble Marquess, to state that he was not ashamed of any expression ever used by him in any debate either in that or the other house of Parliament. He was aware of the expression to which the noble Marquess alluded, and he had over and over again explained the sense in which he had used it; and, he repeated he was not ashamed of having so used it. The noble Marquess had charged him with making an attack on the character of the noble Viscount (Ebrington). He repelled the charge; he had made no attack on the noble Lord's character. He had said nothing whatever with regard to the general character and conduct of the noble Lord; but had alluded solely to certain expressions of a very marked nature which the noble Lord was reported to have used in the other House of Parliament, making them the foundation of the questions he put to the noble Viscount at the head of the Government. The noble Marquess had also charged him with having exercised some ingenuity on the present occasion. How stood the case? The expressions he had quoted were distinct enough; and that they were uttered he was perfectly certain, because he had taken great pains to inquire about the matter. He found them recorded in the debates of the other House of Parliament; and he had verified that account by a reference to persons present at the time the expressions were uttered, when they were made the subject of observation and commentary by a noble and distinguished Member of the other House. That the words, therefore, were spoken he was confident, and he was quite sure the noble Viscount (Ebrington) would not repudiate them. What, then, were those words? The noble Viscount said—"I do not approve of the bill itself (the Irish Tithe Bill); but I support it, because I am satisfied that the effect of it will be to render the war now waging against the Protestant Church in Ireland more formidable." The inference he drew from those words (and could any man of common sense say it was not a logical inference?), was, that the noble Lord was desirous that the war against the church should continue, and that it should assume even a more formidable character. Upon this language, then, he placed his finger, and he asked, while acknowledging the high character of the nobleman in question, whose constitutional principles the noble Marquess had extolled, whether it were proper, in the present state of Ireland, to place at the head of affairs there a noble Lord who had stated publicly his desire that the Catholic war against the Protestant establishment in that country should continue to be waged, and with a character more formidable than it had yet assumed? Was it not natural to suppose, that the noble Lord would be desirous of carrying into effect the principles he approved of? Or if he was restrained by the obligation of the oath which he must take, would it not be inferred that all those who were bent on pulling down the Protestant establishment would feel that there efforts and exertions were at least secretly countenanced by the Government; and that consequently they would be stimulated to wage the war with increased ferocity? He was glad that the noble Viscount at the head of the Government had stated that he was not aware of the expressions referred to having been uttered, because, if the noble Viscount had been aware of them, he should hold it to be a rational inference that the noble Viscount had adopted the same opinion, and he should then have been justified in saying that the appointment of the noble Viscount to be Lord-lieutenant of Ireland was a declaration of war on the part of the Government against the Protestant church of Ireland.

Lord *Holland* asked whether they were to understand, on the authority of the noble and learned Lord, that, setting aside all the qualifications of the noble Viscount (Ebrington), for the office he was called on to fill, any speech which might have been delivered by him in debate in the other House of Parliament was to act as a disqualification for office? He must say, that he never heard so extraordinary a doctrine broached before, as that a speech delivered in debate on a particular subject a year or two ago, was to be brought forward as a disqualification for office. [*Several noble Lords*—the speech was delivered at the close of last Session.] Even if it had been yesterday, he was old enough to remember persons twitted with speeches which they had formerly made who had held offices of the highest nature. Even supposing the speech was correctly reported, which they could not know—a question which was likely to come before this House, this very day, perhaps would show a breach of the rules of the Bill of Rights, that a speech in that House, or in the other House was not to be questioned out of the House; and was it to be questioned by the Queen's Ministers—was it to be questioned by the other House? It was a proposition utterly untenable in law; and the only way in which the noble and learned Lord could bring the matter to the test was by proposing a distinct motion on the subject.

The Earl of *Wicklow*. The noble Lord who has just spoken entirely mistakes the question.

Lord *Holland*. I speak to order.

Lord *Brougham* rose amidst some confusion. He said, that to render the present discussion orderly, he should move that the House do adjourn. He should confine his remarks simply to the speech of his noble Friend (Lord Holland.)

Lord *Holland*, who had continued standing during Lord Brougham's interruption, observed, that he was speaking to order.

Lord *Brougham*. And so did I.

Lord *Holland*. But you made a motion.

Lord *Brougham* then gave way, and

Lord *Holland* proceeded to state, that he had risen for the purpose of noticing that there was no question before the House; and he certainly thought, that for the sake of order, some motion should be made.

Lord *Brougham* said, that as it was agreed, that their Lordships' proceedings were irregular—though they were not more irregular that night than they usually were—he thought they could not do better than get rid of a bad practice, and he therefore, moved, that the House adjourn. In doing so he could not avoid stating, that he never had been in the whole course of his life more astonished than he was at seeing his noble Friend (Lord Holland), who was not only the Lord of order, but also of the constitutional law of the country, which he had an hereditary right to know, and who ought, of all the parts of that law, to be the best acquainted with the Bill of Rights, fall into the most absurd mistake — with all respect be it spoken—of fancying that the privilege of speaking in Parliament free of question out of it meant that no questions were to be asked about what might be said in either House of Parliament. The article in the Bill of Rights meant that no Member of Parliament should be sued or indicted for what he said in Parliament. "To be called in question" was a technical phrase, and signified that a man should not be called in question in any court or place. But it did not mean, that the speeches of Members of Parliament should not be observed upon. He recollected, that upon the motion of Mr. C. Yorke, carried by the influence of Government, Mr. Gale Jones was, in consequence of a misconstruction of the passage in the Bill of Rights committed to prison; but he knew that the late Mr. Huskisson did not approve of that motion. Would any one tell him, that a speech delivered in the House of Commons on an important question might not constitute a ground for advising the Sovereign with reference to the appointment to office of the individual who delivered it? If that did not constitute a ground what did? Nothing was more sacred than a private letter, but if he had received a letter from any individual showing that the writer entertained abominable principles, was he not to act on that letter, with reference to the appointment of the writer to places of trust? And let the House bear in mind, that it would be no punishment to Lord Ebrington not to be made Lord-lieutenant of Ireland. He agreed in all that had been said respecting the character of Lord Ebrington, but so far from thinking it a punishment to that noble Lord not to be sent to preside over the Irish government, under all the circumstances of the case, and under the kind of impression as to the way in which that government must now be administered by persons entertaining such sentiments, he should look upon it as an escape and reprieve from punishment. Some observations had been made respecting a speech made by his noble and learned Friend (Lord Lyndhurst) three years ago; but there was this difference between the two cases, that his noble and learned Friend had denied that speech.

The Marquess of *Lansdowne*. He has not denied a word of it.

Lord *Lyndhurst*. The sense in which I used the expression referred to, I have already fully explained. I had the choice of two expressions; I might have made use of the word "race," but I spoke of "aliens," and in what signification I have repeatedly stated.

Lord *Brougham* said, that when a man used an unfortunate expression in debate, the explanation sometimes came too late. He was sure, if a question had arisen about sending his noble and learned Friend to Ireland as Lord-lieutenant, immediately after using the expression referred to, that he with the opinions he entertained, would not as a Minister have recommended such an appointment; if the expression were not explained. Perhaps, too, he would not be the Minister to recommend the appointment of the noble Lord. He however, only rose to protest against the extraordinary construction of the Bill of Rights laid down by his noble Friend Lord Holland.

Viscount *Strangford* wished to know from the noble Lord (Holland) whether he was aware of the appointment of a noble Marquess as ambassador to a foreign court being objected to in the other House, on account of expressions used in their Lordships' House?

Lord *Holland*, believed, that he was now in strict order to answer the arguments of his noble and learned Friend. His noble and learned Friend had entirely misunderstood what he had said on the Bill of Rights. It was extremely unusual to be engaged in questioning or discussing speeches made in Parliament, as grounds of qualification or disqualification to hold office. He did not know what the speech was, that had been referred to, but he had reason to believe there were different reports even of that speech; and if speeches were to be made the subjects of inquiry, there ought to be some mode of ascertaining the truth of them, and he did not know how that mode was to be adopted, unless there was to be some way of trying it.

The Earl of *Wicklow* said, that as he believed he was now in order, he would make a few observations. The noble Lord opposite had got up, knowing he was out of order, made a statement at full length, and when he got up to reply to him, the noble Lord interposed the order of the House, and stated he was out of order, because there was no motion before the House. That might be justice—it might be love of order in the mind of the noble Baron, but he believed he was the only person within those walls who had such a sense of order or justice. The question put by his noble and learned Friend did not go to the point stated by the noble Baron—it did not go to the extent whether he would appoint to an official situation a person who had, at a former period in the course of debate, made use of some intemperate expression which he might wish to recall. No doubt no proceeding could be more unjust than that, but no such question had been put. The whole of the circumstances of the case must be taken together. In the course of the last Session a bill was brought forward by her Majesty's Ministers, professedly, as they stated, for the purpose of settling the long-disputed point with regard to tithes in Ireland, for promoting tranquillity, and for the purpose of strengthening the Protestant Church in that portion of the empire. In the course of the debate, the noble Lord, to whom reference had been made, and for whose personal character nobody had a greater regard than he himself had, took occasion to state, that he was opposed to that measure, but supported it because he thought it would be the groundwork for future wars and contests against the Church. Then his noble and learned Friend had said "Do you with a knowledge of that declaration—with a knowledge that the noble Lord had declared his hostility not only to the law, but his hope that the warfare would be still persevered in?—do you with that knowledge send the noble Lord to be Governor of Ireland?" The noble Viscount answered with great hesitation. He felt the dilemma in which he had placed himself and the Government. He did not state—"I was not aware of it," but he had said—"I do not know whether I was aware of it or not;" that was a very ominous answer coming from the noble Lord. Under those circumstances, his appointing such a person, and his continuing to persevere in that appointment was equivalent to a declaration on his part and on the part of the Government, that they were determined not to maintain the law which they themselves had brought in in the course of the last Session; but that they were determined to proceed still further in a warfare against the Church in that country. He most solemnly asserted, and he had authority for stating it, that the declaration made by the noble Viscount (Ebrington) had, long before any such appointment as this was contemplated, created a great sensation in Ireland. If those sentiments had created great sensation at the time they were uttered, what would be their effect now, when they saw that individual, whose words, as a Member of the Legislature, caused such apprehension, chosen as the person to govern Ireland? He would tell the noble Viscount opposite that the measure he had passed last Session for the settlement of the question and which he had hoped would have a tendency to do so—he begged to state that that measure would be altogether frustrated, if the noble Viscount persevered in the appointment. He trusted the noble Lord would again reflect upon this appointment, and seeing the danger likely to result from it, would be induced even now to withdraw it.

The Earl of *Roden* said, no individual had greater regard than himself for the noble Viscount who had been the subject of the present conversation. That noble individual and himself had lived together in early life in the closest intimacy, and, however different their political opinions, he should always esteem and be proud of his society. But he conceived the case brought under their Lordships' notice to be one of serious importance, and the noble and learned Lord who introduced it had entitled himself to the thanks of all persons in Ireland anxious for the preservation of the Protestant religion. The appointment of the noble Viscount as governor of that country could not but create alarm in the minds of all Protestants, when they became acquainted with the speech which had been delivered by him. The noble Marquess opposite having taunted the noble and learned Lord with referring only to a particular passage in that speech, he thought it but right to read the whole of the speech as reported, and their Lordships would then see whether the imputations cast on the noble and learned Lord were not unjust in the extreme. The speech which was spoken on the third reading of the Irish Tithe Bill, and which was now matter of history, he found reported in a work to be had in their Lordships' library, and it was as follows:—

"Lord Ebrington.—I am desirous of saying only a few words. I, for one, entirely concur in what was lately said, by the noble Secretary at War, (Lord Howick), that this bill will be a mere adjournment of the question. I have ever considered the existence of a church establishment so utterly disproportioned to the wants of the people as that of Ireland a stain and disgrace to the Protestant religion, and a great misfortune to the country. I should not be induced to support the bill if I thought its effect would be to prevent that reduction of the Irish establishment which I believe will soon be extorted by the unanimous demands of the people. If I could see in the present state of parties any prospect of carrying into effect the principles of appropriation, no consideration whatever would lead me to listen to the question of a compromise. I shall vote for the bill only because I expect, that so far from preventing a thorough reform of the Irish church it will, by throwing the payment of tithes into the hands of those who have more power and influence than the present payers, render the war now waged against the church more formidable."*

He would ask the noble Viscount whether these were the sentiments with which the Government sent the noble Lord to Ireland? It would have been much more candid, much more open, and much better for the country at large, that the Government should tell the people of England whether it was their intention to destroy Protestantism in Ireland, which indeed they were virtually doing, by sending the noble Viceroy just appointed with such sentiments as those he had expressed, although the noble Viscount had denied it. But he trusted, that their Lordships would never consent to any measure being introduced, in consequence of this appointment, that would interfere with the Protestant establishment in Ireland — an establishment that was the depository of all that was good and true in that country, and England might be sure, that when the destruction of that system took place there, the same spirit would within a few years extend to her institutions also. He would address himself to those spiritual Lords who sat in that House, and would call on them, who were the legitimate guardians of the Protestant Church (and it was not merely the Church of Ireland, that was now in question, but the Church of the whole empire), to stand forward in their place in these times of danger and protect that establishment against all attacks. He had considered it his duty to state these as his opinions, and because he considered that Protestantism in Ireland was, as it ever would be, the protection of all civil and religious liberty in that country.

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*The speech was quoted from the Mirror of Parliament, and was delivered on July 26, 1838. So much was said of this speech, and that version of it quoted, having been described by Lord Ebrington, as the most incorrect of any, that we think it right to reproduce here our own report of it.

"Viscount Ebrington had ever considered that the existence of a Church Establishment in Ireland so disproportionate to the wants of the community was a stain and disgrace on the institutions of the country; and he should have found great difficulty in bringing himself to support the measure if he thought that it would tend to prevent that reduction of the Church Establishment which at no very distant period he hoped to see accomplished. With respect to the principle of appropriation, if in the present state of things he saw any prospect of carrying that principle into operation—no consideration should induce him to acquiesce in a bill which did not include it, But if the struggle against tithes were still to go on, notwithstanding this bill, the burden would be on the shoulders of those who were much better able to bear it, and who he hoped, would carry on the war with effect. He should support this measure, therefore, not as the best which he could wish to be carried into effect, but as the best which the present state of parties held out a hope of obtaining."—Hansard, 3rd Series, vol. xliv. p. 665.

The conversation dropped.

INDIA.] Lord *Ellenborough* said, that from what had been reported as occurring in another place, he found that it was the intention of Government to furnish certain papers connected with events that had recently taken place in India, at no distant period. Now it was not his wish, either at this or at any other time, to embarrass the Government by calling for the production of any papers, but there were some in particular which he thought might be produced without any detriment. He wished, however, to know whether any treaty had been made with the Ameers of Sinde, for the purpose of facilitating the march of our army through their territories; and whether the information which he desired to have produced was such as would show the course pursued by the British Government with respect to the expedition of Schah Soojah to Candahar in 1834. The only ground remaining now for the military movements takingplace beyond the Indus being the supposed hostility of Dost Mahomed to our Government, it was of importance to ascertain whether that hostility had not been provoked and justified by our acquiescence in the expedition of Schah Soojah to Candahar in 1834. Schah Soojah was then our prisoner, residing within our territory, to which he returned after his defeat, and the *de facto* rulers of Cabal and Candahar were on terms of friendship with our Government.

Viscount *Melbourne* believed there was no such treaty in existence as that to which the noble Lord had referred. With respect to the other points referred to by the noble Lord, it would, of course, be desirable that the Government should lay before Parliament the fullest information on all these subjects, with a view to inquiring fully into them; and he thought it would be found, that there was no paper which would bear out the noble Lord's apprehension, that the honour and character of the British Government had been at all compromised in the way suspected by the noble Lord. It was, however, the intention of her Majesty's Government to lay the fullest information on the subject of the affairs, not only of India, but of our relations in Asia generally, before both Houses of Parliament, and if the noble Lord wished for any particular papers he should be glad to consult his wishes as far as possible.

HOUSE OF COMMONS,

Thursday, February 28, 1839.

MINUTES.] Petitions presented. By Sir G. STRICKLAND, and Mr. LEADER, from three places, for the Repeal of the Corn-laws.—By Lord ELLIOT, Mr. B. WALL, Mr. H. JOHNSTONE, Mr. W. DUNCOMBE, Sergeant JACKSON, Mr. BARNEBY, Colonel ROLLESTON, and Mr. CLIVE, from a number of places, against the Repeal of the Corn-laws.—By Mr. BAINES, from Chelmsford, against Church-rates.—By Sergeant JACKSON, from Connaught, against the present system of Education in Ireland.—By Mr. CHALMERS, from Forfar, against further Endowing the Church of Scotland.—By Mr. H. JOHNSTONE, and Captain GORDON, for further Endowing the Church of Scotland.

CAPE OF GOOD HOPE.] Mr. *Goulburn*, seeing the Under Secretary for the Colonies in his place, wished to put a question to him relative to certain disturbances which it was rumoured had broken out on the frontier of Caffraria. It was stated, that a conflict had taken place between the emigrant boors at Port Natal and the Government troops, and that the soldiers were nearly all destroyed, and the officer in command and the son of the governor killed. He therefore wished to be informed, as these rumours had created much anxiety, whether the Government had received any information confirming or contradicting the reports to which he had alluded.

Mr. *Labouchere* was aware of the anxiety created by the rumours to which the right hon. Gentleman had alluded, and he regretted he was unable to give any satisfactory information on the subject, as the Government had received no despatch from the colony since the time those disturbances were stated to have taken place. The last despatch from the governor was dated one day earlier than the accounts in which the reports of the conflict were contained, and so far from that despatch containing anything from which a confirmation of those reports could be inferred, they afforded every reason to believe, that no such conflict had taken place. Perhaps it would be satisfactory to the House, that he should read the last letter which had been received from the governor, and which contained the latest information which the Government possessed relative to the state of the colony, The letter was from the governor to Lord Glenelg, and was as follows :—

"Cape-town, December 28, 1838.

"My dear Lord Glenelg,—As the vessel is now weighing anchor for England, I have only time to give your Lordship a few lines by her to say, that within this hour I have received despatches from Major Charteris, dated Port Natal, the 12 instant, and a private letter of the 14th instant. All the troops, stores, guns, &c., were landed, and no sick, or accident of any kind. The boors had some time before sent a command against Dingaan. Major Charteris had sent a message to their commandment, Pretorius, to try and persuade him to return to Port Natal, but he feared his messenger would not be able to overtake him in time. Major Charteris had found the boors in much distress. I will forward the whole of his despatches, &c., by her Majesty's ship Wolf, which will sail on the 1st or 2d of next month. But, as I had half-an-hour only, I could not get my official despatch ready, and therefore wrote these few lines just to set your Lordship's mind at ease, as various reports had been spread concerning the failure of the expedition, and which may arrive in England before this reaches you.

"I am, &c.,
"GEORGE NAPIER."

That letter gave no ground to suppose, that any conflict was likely to take place between the boors and the troops, and he trusted in a few days to be able to contradict the rumours which had been circulated on the subject.

PRIVATE BUSINESS.] Mr. *P. Thomson* said, he rose to call the attention of the House to the report of the committee which had been appointed to consider what alterations were necessary in the mode of conducting the Private Business of Parliament. In doing so, he wished to state, with reference to the proceedings of that committee during the last and present Sessions of Parliament, that the Members who had been selected had sat and deliberated with the utmost attention day after day on this most important subject, and after hearing evidence and maturely investigating all the plans which had been submitted to their consideration, had given in a report to the House, and upon that report the resolutions which he now proposed to move were founded. Those Members who had at all attended to the subject would, he was persuaded, allow that the present mode of conducting the private business of the House was not satisfactory, that it could not insure the confidence of the public in their proceedings and that it ought, therefore, to be amended. To effect that desirable object two plans had been laid before the committee. The one was an amendment in the present constitution of committees on private bills, which left a representation of local interests; and the other recommended the appointment of a judicial body, excluding local influence altogether. The last of these plans had been advocated by the hon. Member for Kilkenny, but the Committee, after having given it the most mature deliberation, came to the decision, that it was not advisable to exclude the representation of local interests altogether. He understood, that the hon. Member intended to submit his own plan to the House as an amendment on the resolutions which he intended to move, and it would be for the House to decide whether the scheme of the hon. Gentleman, ought or ought not to be adopted. He should not then enter more fully upon the second plan which he had mentioned, but he should be prepared at the proper time to state his opinion in favour of the decision which the majority of the committee had come to, and against the plan of the hon. Member for Kilkenny. That decision having been come to, the committee next proceeded to consider how they could best adopt some remedy for the evil complained of, and they had proposed to do so in the following manner:— 1. They proposed to allow a certain representation of local interests to be placed on the lists which were made out by Mr. Speaker. 2. To call on Mr. Speaker to prepare those lists, taking care to make certain reductions. 3. In order to provide against that great reduction of numbers, to allow local interests to be represented, if good ground could be shown for it, and that Members representing local interests should be entitled upon application, to have their names placed on the committee. 4. It was proposed in order to secure impartial committees, that a committee of selection should be appointed who should add to the lists such a number of Members not interested in the bills in progress as they might deem expedient. Undoubtedly whoever might be so chosen to act by the committee of selection must be prepared to consent to do so; no man had a right to take upon himself the office of a Member of Parliament unless he was prepared to discharge all the duties connected with it —unless he was willing, however irksome or disagreeable the task might be— to do that which the House called upon him to perform, which, in cases of this kind, was one of the most important duties he could have to discharge. The right hon. Gentleman concluded by moving the first of the following resolutions.—

"1. That the present distribution of counties in the several lists, for the purpose of forming committees on private bills, prepared under the direction of the Speaker, as prescribed by the resolution of the 19th of April, 1826, has been found not to answer the object for which it was framed, and that the same be discontinued.

"2. That, with a view to give effect to the opinions and resolutions contained in the report of the select committee on private business, presented on the 25th inst., it is expedient, that new lists be prepared under the direction of the Speaker, reducing considerably the number of Members above the line in the lists as now formed, excluding altogether those below the line, and having regard to the new divisions of counties as regulated by the Reform Act.

"3. That a committee of selection be appointed, consisting of the Chairman of the Standing Orders Committee, and of the Chairman of the committee and of the three subcommittees on petitions for private bills, and of whom three shall be a quorum; and that the said committee of selection do report from time to time to the House with respect to the proceedings on private bills.

"4. That no Member whose name shall be on the list prepared under the direction of the Speaker shall be entitled to attend or vote unless he shall have previously made a declaration, in such form as shall be prescribed by the committee of selection of his willingness to serve throughout the proceedings of the committee on the bill referred to the list to which he belongs.

"5. That any Member who is not included in the list directed to be prepared shall be at liberty to make special application to the committee of selection, alleging, that his constituents have a local interest in any private bill in progress, and the committee shall have power to add the name of such Member to the list, if the importance and reality of such interest shall be established to their satisfaction.

"6. That the committee of selection shall select and add to the list such number of Members not locally interested in the bill in progress, and in such proportion, as in the circumstances of each case shall, in their judgment be necessary."

First resolution agreed to.

Mr. *Hume* said, that the attention of the House had been for a series of years directed to the endeavour to correct the abuses consequent upon the manner of bringing forward private bills. He merely referred to hon. Members to ask them whether they were not all aware of the necessity that existed for the correction of these abuses? Public opinion had long since called on that House to erect a tribunal of a more efficient and satisfactory nature than any that at present existed for that purpose He was anxious to see the House undertake the erection of some such tribunal, and at once grapple boldly with this master grievance. When the committee on private bills was first appointed three years ago he had proposed, that the abuses should be remedied by reducing the number of the Members of these committees, and taking away all local interests, as he felt convinced, that this was the only way in which a court of judicature of this nature could be erected which would do justice to the parties concerned, or give satisfaction to the public. This was the sort of tribunal that he had wished to see established three years ago, and he should move resolutions embodying these sentiments in opposition to the resolutions embodying the recommendations of the committee which had been proposed by the right hon. Gentleman, and on these he would take the sense of the House, and see how far they agreed with him as to the necessity of taking away local interests and applications as regarded this important trial. The right hon. Gentleman had told the House, that these resolutions had been agreed to by a majority of the committee; they certainly had been agreed to by a majority of the committee, the numbers having been seven to five; but one of those Gentlemen who had voted in favour of the resolutions and against the exclusion of local interests, had the previous year expressed himself most strongly in support of his proposition, and if he had not voted in opposition to his previously declared opinion, the numbers would have been equal, and the decision would have been left to the Chairman. In that committee an amendment for the exclusion of local interests was moved by him (Mr. Hume), and as the resolutions of which he had given notice were so inconclusive, he would substitute it for them. That amendment was, " That it is expedient, that Members representing local interests should be excluded from committees in which such interests are concerned." He was anxious to press that question on the House, because he considered its committees in the light of judicial tribunals. He put it to the House, whether the rule was not well recognised, that when a case came before a jury for its decision each party had the right of challenge. He was aware, that Members of Parliament ought not to be challenged, as such a course would be derogatory to their character and dignity. If there could be any doubt as to the impolicy of the present mode of proceeding he would refer the House to the evidence taken before the committee. Hon. Members were aware, that there were certain persons connected with that House who acted as agents in conducting private bills through it. The committee examined several of the most distinguished of these Gentlemen, and they frankly and creditably unfolded the abuses connected with private bills. They had shown, how bills were carried by canvassing hon. Members — how they were hunted about from place to place, and it was said, "a division is going to take place. For God's sake go in and vote or I shall be defeated." The consequence was, that men who had never heard a word of the evidence frequently turned the scale by their votes. Indeed, no one could dispute the practice that had so long existed in that House. By way of testing these tribunals, he would refer to the evidence which had been given before the Parliamentary committees on this subject. The Duke of Richmond, in respect to what had taken place in the House of Lords, said, that not only were there some Peers who did not listen to the whole evidence on some bills, but frequently there was one chairman on one day, and a different Peer presiding on the next; consequently the proceedings were much longer than necessary, and generally very unsatisfactory to all the parties concerned. The House of Lords, finding that it was necessary to apply a remedy, passed the following resolutions on the 6th of July, 1837: "That every committee should consist of five Members. That every Member of such committee do attend to the proceedings of the committee during the whole continuance thereof. Ordered, that Lords be prevented from serving on a committee on any private bill where they have private interests concerned." Now that was the point which he wished to urge on the attention of the House. The noble Duke stated, that these resolutions had been strictly attended to, and that the result was most satisfactory, and that the working of the private business was much better than under the old system, because it was natural that five men who had attended to the evidence in any case, having no local interest in it, must be much more competent to decide upon it than a committee of persons who had but partially attended to it, or were in any way interested in the result. The hon. Member also referred to evidence given by Mr. Smith and Mr. Crampton, which was to the same effect. He could read the evidence of nine or ten witnesses, he said, to show that the practice adopted by the Lords of excluding local interests, had given satisfaction very generally, and their committees were no longer likely to be characterised as private tribunals. If the House would adopt his amendment, the committees on private bills would no longer be likely to be characterized as partial tribunals. The resolutions of which he had given notice were those which the chairman of the former committee drew up, but he should propose, instead of them, that amendment which he suggested to the same committee. The hon. Member concluded bymoving as an amendment on the resolution, "That it is expedient that members representing local interests should be excluded from committees in which such interests are concerned." If the House should agree to that resolution, the resolutions which followed might be made applicable with very little trouble to form committees on that principle. He had some experience with regard to the working of committees of that House, and he could assure the House that the public would feel a very lively interest in the discussion of that evening, because whatever might be the dissatisfaction which had been expressed in respect to those committees within the House, he could assure the House that that dissatisfaction was felt much more strongly out of doors. This subject had been forcibly brought to his mind only yesterday, by a circumstance which would illustrate what the feeling of the public was. One of his old constituents, a highly respectable person, having seen the resolution handed about yesterday, came to him with great anxiety, and expressed his alarm that this alteration should be contemplated; for, said he, "Anxious as I am, and fearful as I am, of the committees as now constituted, I have much more apprehension that the local interests which will be established in the new formation of committees will be much more overpowering, and we shall have less means of obtaining justice at the hands of the House." He must say, that after every attention which he had given to the subject, the result he had come to was this, that unless they were prepared to go the full length of that which was proposed by the hon. Member for Kilkenny, it would be far better to leave the evil as it stood. He would endeavour, in a very few words, to explain his meaning upon this subject. The dislike to these committees consisted in this, that if a bill were brought before a committee, there was an overwhelming local interest employed to obtain the attendance of members. That local interest was in some degree qualified by members who were put in representing distant places, but generally speaking, local interest was all powerful, and sometimes it acted all in one direction. Take, for example, a Railway question. The promoters of a railway were anxious to seize on individual property and to pay for it, but the individual was reluctant to part with it. That individual he would suppose, as in a case that had come to his knowledge, was a person who had no local connexion with the railroad, except by having property there. All the committee were those in the immediate district. They had embarked themselves in the case of the railway, and it was exceedingly difficult for any individual to gain attention in that committee, when his object was to overpower or balance that local interest.

Sir *G. Strickland* felt great pleasure in seconding the amendment proposed by the hon. Member for Kilkenny. Such had been the case on several committees on railway bills. The question, however, really before the House was, whether or not the adoption of the resolutions of the right hon. gentleman below him (Mr. P. Thomson) would make the matter better; in his (Sir G. Strickland's) opinion, these resolutions would make it worse. It was true that under this plan there would be a sprinkling into committees of members from a distance, and that sometimes justice might be done, but still, on the whole, he was convinced that greater dissatisfaction would be created than at present existed. He, therefore, was of opinion it would be better to follow the example set by the House of Lords, and exclude local interests altogether from private committees. Parties locally interested in a question were excluded from serving on the jury by whom that question was to be tried; the same plan ought tobe followed in committees on private bills, and persons left out who had an interest in the measure—he did not mean a corrupt interest (of which, by the way, more had been said against hon. Members than in justice was deserved), but those natural feelings of local interest which must bias the mind of an individual coming with an honest determination to do, but who did not, in consequence, always do, justice. He, therefore, strongly urged upon the House, unless it was prepared to adopt the amendment of the hon. Member for Kilkenny, to leave the matter as it at present existed, even with all its evils; if not, he was of opinion, that those evils would only be increased.

Mr. *Freshfield* said, that having been alluded to by the hon. Member for Kilkenny, he begged to offer a short explanation. It had been stated, that on a division in the committee he (Mr. Freshfield) had voted against the exclusion of local interests. Now, if the hon. Member had attended the committee a little more regularly than he did, he would have been enabled to make a more correct statement to the House. In the last session of Parliament strong evidence was adduced before the committee which sat on the subject, showing the inconvenience of the present system, and one single plan for the cure of that inconvenience was brought before the committee. That plan had been discussed, and it was stated another for the same object would be brought before the committee. The lateness of the period of the session prevented that being done, and the committee had before them the single question "shall we adopt the plan for the exclusion of local interests or shall we not?" Now, he was so strongly convinced of the inconvenience of the present system, that in his then view of the subject he should have been ready to recommend the plan suggested to the House, rather than leave things in the way in which he and the committee found them. But the subject was afterwards fully discussed, and he believed that it was not according to the opinion of any member present, conceived to be safe to recommend that plan to the House; and if the hon. Member would refer to the minutes of the proceedings of the committee, he would find that no division took place on any such question. The question, in short, was never brought to a decision.

In the present session the subject had been further discussed, and, for one, he had been thoroughly convinced that the exclusion of local interests would be attended both with inconvenience and mischief, and that the House had no constitutional power to deprive any member from taking a part in the business of his constituents, though it might have the power to regulate the manner in which they should discharge that duty, and to require of them its full and efficient discharge; but the House had no right by its vote to say, that any member should be excluded from discharging his duty. On that ground he had voted in the majority in the committee, and on that ground he should vote against the amendment of the hon. Member for Kilkenny, if that amendment was brought to a division.

Mr. *Aglionby* supported the amendment. The original resolutions before the House interfered as much as the amendment with the constitutional privileges of members of that House, and interfering with those rights, it was proper to obtain the fullest extent of benefit as proposed by the amendment. He thought the public were much more prejudiced by the admission of local interests than by their exclusion. He was in hopes, however, that some medium plan might be adopted. He objected to place persons in that situation, who had an interest in the question quite as binding as a pecuniary interest. Would the House admit, that there existed a necessity for the exclusion of Members having a direct pecuniary interest in the decision of the questions before the committee. If so was there not an equal reason to exclude others who had an interest though it might not be a direct pecuniary interest? There were interests which biassed the minds and feelings of men quite as much as a pecuniary one, and he would wish to exclude all Members on whose minds you could trace an interest at all likely to bias them, so as to prevent their coming to a just decision, whether those interests were consequent upon their connexion with a particular locality, or upon any other causes. The answer to the first question put by the committee to the Duke of Richmond, would illustrate his meaning on this subject. The noble Duke replied, when asked as to the practice of the House of Lords upon this subject, that the feeling of the House of Peers was so strong, as to the impropriety of Peers having a local interest in private bills, having any connexion with the committees on them, that if a Peer having such an interest were appointed to one of these committees, he would feel himself bound in honour to refuse to serve. This system had been found to work well in the House of Peers, and if such was the feeling of that House, he would put it to hon. Members of this House to say, whether they considered it was decent to serve, because themselves or their constituents had an interest in the subject. He thought the exclusion of Members thus circumstanced would give satisfaction to the country and to the House.

Sir *R. Peel* rose merely to discuss the amendment proposed by the hon. Member for Kilkenny, as to whether or not it would be right that local interests, as they had been called, should be excluded from committees on private bills. In the first place he must say, that he doubted the constitutional right of the House to say to a constituent body of Englishmen, "We will proscribe a whole class of Members from serving on such committees; we tell you, that the Members you have selected not only from a confidence in their principles on political matters, but from their knowledge of the interests of your respective neighbourhoods, shall by the vote of us (the House of Commons) be prevented from exercising that latter duty, which you so thought them qualified to discharge." Now, it was establishing a most important precedent, to adopt a resolution excluding a whole class of Members of that House from performing their duty. And what had been the argument in favour of this great and serious innovation? In the first place, the hon. Member for Kilkenny said, that the questions and matters arising before committees on private bills were strictly of a judicial character. He doubted and denied that fact. It was true certain committees were judicial. Election committees were, or ought to be, purely of a judicial character, and therefore they afforded an admirable reason why local interests should be excluded from those committees. Again, the committee on standing orders was of a judicial character, having to determine whether, in the case of each private bill, the rules and regulations of the House had been complied with. But he denied, that the considerations mixed up in a private bill were exclusively of a judicial character. He would not say, that no question of a judicial character was involved in a private bill, but this he would say, that there were many questions of a local character mixed up in the consideration of every private bill. He would take the case, for instance, of a bill for introducing into a town a new system of lighting it by gas. Could anybody say, that the exclusive question concerned in that bill was of a judicial character? Might it not rather be a question, whether the expense would not be greater than the advantage to be derived, and should he (Sir R. Peel) say, that the Member who represented that town, and who had an opportunity of conferring with his constituents upon the measure, who knew the characters both of the opponents and promoters of such a bill, should be necessarily excluded from serving upon the committee which had to decide, whether or not a new system of lighting should be established? The hon. Gentleman had said, that this was no more than had been done by the House of Lords; but the hon. Gentleman made a great mistake in supposing the character of the House of Lords to be the same as that of the House of Commons. Nobody had any claim on a Peer of the other House to attend to the performance of duties of a representative character, and therefore it might be quite right to exclude local interests from committees of that House, but there were such claims upon the Members of the House of Commons. Now, he begged to ask, in what manner or by what rule was to be determined that which constituted a local interest in order to exclude? That would be a matter of great difficulty; an interest might be very direct, but not local, as for instance he might be interested in opposing a railway, and because he might represent a county through which that railway was to pass, should he be excluded from serving in the committee on the bill? It would, in short, be necessary to inquire into the degree of interest before the qualification or otherwise could be determined. But he (Sir R. Peel's) strong objection was, the great danger of the precedent of the House thus undertaking to disqualify whole classes of Members, from the performance of certain duties to their constituents. The House, he thought, might go so far as to say, that a man should not serve on a committee, unless he undertook to hear the evidence; but he doubted whether they had a right to say to a Member, "On the ground of local interest we disqualify you from performing that duty which your constituents expect from you." But supposing the amendment of the hon. Member for Kilkenny was adopted, was an hon. Member by it excluded from the committee to be prevented from voting on the bill in the House? Was, for instance, the Member for Manchester to be told, that he should not represent the interests of his town in committee, the certain consequences would be, that he would declare, that in the House itself he would represent them. Would he not say, "Will you silence me then in committee —do you tell me, that there I am not at liberty to state the wishes, feelings, and interests of my constituents, and vote according to them?" Would not the result be, that the Member, indignant from this exclusion, would force a discussion on all those matters upon the House of Commons itself, and the consequence of this unjust attempt would be, that the time of the House would be occupied in listening to statements made with ten times more energy—energy excited by injustice? But what would be the position of constituents? Candidates in their addresses to constituents invariably, he believed, promised to attend to their local interests, and what could be more strange for them than to find the Member best acquainted with their local interests excluded from serving and protecting those interests? To a candidate of their own neighbourhood they would have to say "We cannot elect you, because you are excluded from serving us —we must look for some Scotchman—we must follow the example of Kilkenny in our choice to have our business performed. The proposition contained in the amendment was both impossible on constitutional grounds and impracticable. It was true that local interests might sometimes have an undue influence on committees, but in the conflict of those interests he believed on the whole that was done. On these grounds he must on principle oppose a proposition for the proscription of a whole class of Members from performing their duty to their constituents.

Captain *Pechell* said, that the unsatisfactory result of excluding local Members from their committees could not be better illustrated than by adverting to the position in which the town he represented

(Brighton) had been placed during the previous Session of Parliament. No less than five different companies endeavoured to run their railways into that town. Assuredly, the inhabitants of Brighton would have been very much dissatisfied if their Members had not been placed upon the committees which were then appointed. He held the constitution of the committees of that House, both public and private, to be monstrous, and he was disposed even to go three-fourths of the way with the hon. Member for Kilkenny. "But," continued the hon. and gallant Member, "I can't stand here to exclude myself, when I have already two private bills on the table." He did not think it possible that the constituencies generally would be satisfied with the amendment of the hon. Gentleman.

Mr. *Greene* thought that the duties of the committees were strictly judicial, and he was satisfied that in the country, from one end to the other, there was great dissatisfaction at the working of these committees. He would ask for what purpose they called parties before the committee with their counsel and their witnesses, which assumed a strictly judicial form, if they were then to be told that Members had local interests by which they were to be vote; that every argument of counsel and the whole strength of the evidence given were to be passed by, and that Members were to give their votes in the teeth of this evidence? He was satisfied, however, that this was the case at present. Let them take, for instance, a question between two lines of railway; and where there were rival lines they might pretty well tell, on looking round the room, how the different Members would vote. One witness examined before the committee, and speaking of the chairman of these private committees, said that he never knew an instance in which the chairman was moved by the speech of counsel or the evidence of witnesses. They ought to look at this in a public light, and not with a view to private interests. The right hon. Baronet (Sir R. Peel) had asked, who was to determine what private interest was?—but by the resolutions as agreed to by the committee, there must be a selection in which this question would arise; so that if there were any difficulty in the amendment it was not obviated by the resolutions. Another point from which the present system was to be viewed was, that it tended to disgrace and lower the character of the House. He asked how any hon. Gentleman who knew the working of committees on railroads, could doubt that any persons having parliamentary interest, who were also possessed of land along the line, would sometimes obtain ten times as much as it was worth? Nothing could lower the character of hon. Members or of the House more than the present proceedings. He might instance a case from his own town. A man called upon him to say that his land would be taken away by a proposed railroad. His answer was, "Why do you not appear before the committee?"—and the man's reply was, "I meant to appear, and had actually presented a petition, but in the mean time the parties have bought off Mr. So and So, who had joined me, by giving him a large price for his land, and I am left in the lurch to go on by myself." Feeling strongly that unless an entire alteration were made, and unless they removed local interests altogether, the present system would soon be revived, and the disgraceful system of private canvass would be continued. He would support the amendment.

Mr. *Warburton* said, that he would relate to the House a case which was quite in point. While the business of a railway committee was in progress an hon. Member gave his constant attendance, and voted on a certain side. After the bill had passed both Houses, and when the shares had risen to a premium, the solicitor writes to inform him that there was a certain number of shares at his disposal, and the hon. Member puts the profits in his pocket as the reward of his diligent attendance and favourable votes. [Loud cries of *Name, name.*] "No," said the hon. Member, "I will not; I could give the name, but I will not. But I say, that such things are notorious, that they are spoken of as passing here almost every day." The question was, how were they to prevent this corruption? By confining the number of members on these committees within the closest possible limits, and thus condensing their responsibility as much as possible. He believed, that the public would be better satisfied if Members possessing local interests declined to vote.

Mr. *T. Duncombe* observed, that poor people who were unable to employ counsel would be deprived of any aid before committees if they had not their local members to apply to. He could not assent to this amendment, which conveyed, too, an intimation that he was unable honestly to discharge his duty to his constituents.

The House divided on the original motion—Ayes 245; Noes 35: Majority 210.

List of the AYES.

Ackland, Sir T. D.
Acland, T. D.
A'Court, Captain
Ainsworth, P.
Alsager, Captain
Arbuthnott, hon. H.
Archbold, R.
Attwood, M.
Bailey, J. jun.
Baillie, Col.
Baines, E.
Baker, E.
Bannerman, A.
Barnard, E. G.
Barneby, J.
Barrington, Lord Visc.
Beamish, F. B.
Bellew, R. M.
Bethell, R.
Blackett, C.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blennerhassett, A.
Boldero, H. G.
Bowes, J.
Bradshaw, J.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Brotherton, J.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Busfeild, W.
Byng, G.
Calcraft, J. H.
Callaghan, D.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cayley, E. S.
Chapman, A.
Chichester, J. P. B.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clive, E. B.
Clive, hon. R. H.
Cole, hon. A. H.
Conolly, E.
Corry, hon. H.
Craig, W. G.
Crawley, S.
Cresswell, C.
Currie, R.
Dalmeny, Lord
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Divett, E.
Donkin, Sir R. S.
Dottin, A. R.
Douglas, Sir C. E.
Duckworth, S.
Dugdale, W. S.
Duke, Sir J.
Dunbar, G.
Duncombe, T.
Duncombe, hon. W.
Dungannon, Lord Vis.
Du Pre, G.
Eastnor, Lord Visc.
Eaton, R. J.
Ellice, E.
Etwall, R.
Evans, W.
Farnham, E. B.
Feilden, W.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Fleming, J.
Forester, hon. G.
Freemantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, Robert
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, hon. Col.
Grant, F. W.
Grey, rt. hon. Sir C.
Grey, Sir G.
Grimston, Lord Visc.
Halford, Henry
Hall, Sir B.
Hardinge, rt. hon. Sir H
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heneage, G. W.
Hepburn, Sir T. B.
Heron, Sir R.
Herries, rt. hn. J. C.
Hinde, J. H.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, G. W.
Houldsworth, T.
Houstoun, G.
Howard, P. H,
Hughes, W. B.
Hurt, F.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
Jervis, J.
Johnstone, H.
Jones, T.
Knatchbull, rt. hn. Sir E.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord A.
Liddell, hon. H. T.
Lister, E. C.
Lockhart, A. M.
Lushington, rt. hon. S.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Macnamara, Major
Mahon, Lord Visc.
Marsland, T.
Martin, J.
Marton, G.
Maxwell, hon. S. R.
Mildmay, P. St. J.
Miles, P. W. S.
Milnes, R. M.
Mordaunt, Sir J.
Moreton, hon. A. H.
Morpeth, Lord Visc.
Morris, D.
Murray, rt. hn. J. A.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, W. S.
Ord, W.
Ossulston, Lord
Parke, C. W.
Paget, Lord A.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Palmerston, Lord Visc.
Parker, J.
Parker, M.
Parker, R. T.
Pattison, James
Pechell, Capt.
Peel, rt. hon. Sir R.
Philips, M.
Pigot, R.
Plumptre, J. P.
Pollock, Sir F.
Powell, Colonel
Praed W. M.
Praed, W. T.
Price, R.
Pringle, A.
Protheroe, E.
Pusey, P.
Ramsbottom, J.
Reid, Sir J. R.
Richards, R.
Roche, Sir D.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Rushbrook, Col.
Rushout, George
Russell, Lord J.
Salwey, Col.
Sanford, E. A.
Scarlett, hon. J. Y.
Sheppard, T.
Slaney, R. A
Smith, J. A.
Smith, A.
Smith, B.
Smith, G. R.
Smith, R. V.
Smyth, Sir G. H.
Somerset, Lord G.
Spiers, A.
Standish, C.
Stanley, E. J.
Stanley, Lord
Stanley, W. O.
Stansfield, W. R. C.
Stewart, J.
Stock, Dr.
Stuart, V.
Stormont, Lord Visc.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Teignmouth, Lord
Thomas, Col. H.
Thomson, rt, hn. C. P.
Thompson, Mr. Ald.
Thornhill, G.
Trench, Sir F.
Troubridge, Sir E. T.
Vere, Sir C. B.
Vivian, J. H.
Vivian, J. E.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wemyss, J. E.
White, A.
Whitmore, T. C.
Wilbraham, G.
Williams, R.
Williams, W.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, T.

TELLERS.

Clerk Sir G.
Seymour Lord

List of the NOES.

Aglionby, H. A.
Aglionby, Major
Bewes, Thomas
Blake, M. J.
Chalmers, P.
Davies, Col.
Denison, W. J.
Dennistoun, J.
Dundas, C. W. D.
Easthope, J.
Elliot, hon. J. E.
Estcourt, T.
Finch, F.
Fort, J.
Greene, T.
Grote, G.
Hawes, B.
Johnson, Gen.
Kinnaird, hon. A.
Langdale, hon. C.
Leader, J. T.
Lushington, C.
Marshall, W.
Marsland, H.
Muskett, G. A.
Nicholl, J.
O'Connell, D.
O'Connell, M.
Scholefield, J.
Tancred, H. W.
Vigors, N. A.
Wallace, R.
Warburtrn, H.
Ward, H. G.
Yates, J. A.

TELLERS.

Strickland, Sir G.
Hume, M.

Question again put on the second resolution.

Mr. *Aglionby* said, that in order to qualify that resolution, which was very objectionable in its present form, he should move as an amendment, "That any Member whose constituents may have a local interest in any private bill shall be a Member of that committee, but without a right to vote."

Mr. *Poulett Thomson* objected to any such proposition. He was sure no Member of that House would like to attend a committee whose decision would affect the interests of his constituents when the House decided beforehand that he was an unfit person to vote.

Mr. *Elliot* observed, that he for one would be very glad to sit upon such a committee without voting. He should wish to be there for the purpose of pleading the cause of his constituents with the local knowledge he necessarily possessed of their affairs, and he should wish to abstain from voting, lest it might be supposed that in doing so he was influenced by any bias or partiality.

Mr. *M. Philips* thought the amendment of the hon. Member for Cockermouth would be exceedingly inconvenient. If a railway bill were introduced, for instance, and ordered to be sent to a committee, and it was intended that the railway should pass through five or six counties, he should be glad to know if the committee or the greater part of it was to be composed of Members who could only act the part of dummies? The proposition, in his opinion was extremely absurd.

Amendment negatived, and resolution agreed to.

On the third resolution,

Lord *Mahon* thought the House should consider it, having in view another important subject which would shortly come before them—namely, the trial of controverted elections. Under the bill of his right hon. Friend the Member for Tamworth, they would have a second committee of selection; and he was very much disposed to think that those two committees would be found incompatible, and would frequently clash. Each might select the same individual; and in that case he would ask the House who was to decide? It was a question which he submitted ought not to be considered without reference to the subject of controverted elections, which, as regarded this particular feature, was closely connected with it.

Resolution agreed to, as was the fourth, with an amendment, to the effect that Members making application to serve on committees should declare their willingness to serve throughout the proceedings.

On the fifth resolution,

Mr. *Aglionby* objected to it, as giving to the committee of selection a new jurisdiction, and one which in most cases was likely to be extremely invidious. Any Member of the House, whose name might not be included in the list, was to apply to the committee of selection to have it placed upon the list, alleging, as a reason, that his constituents had a local interest in the bill to be sent before the committee, and the committee of selection, according to this resolution, was to take upon itself to decide the "importance and reality" of such interest before they could allow that hon. Member to serve on the committee. This was imposing a duty upon the committee of selection, likely to be attended not only with annoyance, but very often with odium, and making them do what the whole House refused to do.

Mr. *Poulett Thomson* was sure that the House would have sufficient confidence in the Gentlemen composing the committee of selection to be content with their decision upon the subject referred to by the hon. Member. It was necessary to place the power of selection somewhere, and he could not see in what better hands they could place it.

Mr. *W. S. O'Brien* could not ever assent to the principle of selection, because he thought it liable to the greatest objection. He could conceive no method more likely to create discontent amongst the Members of the House, and he would suggest, therefore, that this resolution should be amended, at least so far as to give the House an opportunity of supporting or questioning the selections made by the committee of selection. He would not object to give to that committee the power of recommending Members to the House, but he was of opinion, the best way would be, to select their committees on private business just as they did those on public business. They would thus avoid all difficulty, and could, at the same time, take care not to name any one who was not willing to serve in the manner specified in one of those resolutions.

Mr. *Poulett Thomson* had no objection, in consequence of what had fallen from the hon. Member for Cockermouth, to amend this resolution, by the omission of the words, "importance and," making the resolution run thus—"if the reality of such interest shall be established to their satisfaction." Further than that he could not consent to alter it.

Resolution agreed to, amended.

On the sixth resolution,

Mr. *Warburton* wished to make this remark — that while Members having a local interest were obliged to declare they would serve throughout the proceedings, Members not having a local interest—that was to say, men of whose impartiality there was no doubt—were not called upon, under this resolution, to make that declaration.

Lord *Stanley* said, it was undoubtedly the wish of every member of the committee that impartial Members should give their attendance, but there could be no sort of question that if Members serving on those committees upon private bills were left at liberty to choose the committees on which they were to serve, they would attend those only in which they felt an interest, and therefore perfect impartiality or indifference was not to be expected. It was the general opinion in the committee which had taken this subject into consideration and reported to the House on the 25th of this month, that a great deal for the improvement of committees must be done by private understandings and arrangements amongst the Members of the House themselves. The first proposition on the subject was, that Members willing to serve on committees should be requested to enter their names in a list, on the understanding that they were to take their places in committee, without distinction, whenever called upon. On the other hand, this was felt to be a plan that could hardly work well in practice, for members would put down their names without much reflection, and probably be very unwilling to serve on committees when the proper time for doing so arrived. Taking these views of the matter into consideration, the committee felt that they could not recommend any other plan than that which had been laid before the House.

Mr. *Aglionby* observed, that if they succeeded in excluding the interested Members, they might limit the committee to a very small number indeed.

Sir *Robert Peel* said, that the exercise of moral influence was the chief want, and it was to impartial and indifferent Members they must look for the exercise of that influence. In calling on such Members to declare whether they would serve or not, their assent subjected them to no penalties in case illness or any other sufficient cause prevented their attending; there need, therefore, be no difficulty about Members giving an assurance of that kind. Balancing the difficulties with which the matter was surrounded, he thought it would be best to place Members free from local influence upon the same footing as the others, subjecting all to the same rule. Perhaps the right hon. Gentleman opposite would consider this suggestion, and see if it could not be advantageously acted upon.

Resolution, with Amendments, agreed to.

Mr. Wynn's Case.] Mr. *Jervis* moved the appointment of the following select committee on Mr. Wynn's case:—Mr. John Jervis, Mr. Goulburn, Sir Frederick Pollock, Mr. Solicitor-General, Lord Stanley, Mr. Sergeant Wilde, Sir James Graham, Mr. Sanford, Mr. Ward, Mr. Pusey, Mr. Greene.

Mr. *Ward* said, as the present committee very much resembled that in the case of the hon. Member for Southwark, he thought it indispensable, before the motion was put, that an imputation which had been thrown out by that hon. Member (whom he was glad to see again in his place) in his last address to his constituents, should be explained. In that address, the hon. Member used terms which he should be happy to hear him explain. In that address the hon. Member stated, that he conceived himself, although he could not recollect the exact words used by the hon. Member, to have been the victim of the select committee, with whose appointment he had nothing to do, and from whose proceedings he had been perfectly excluded. He believed every Member on that Committee was most anxious to do his duty, and as to the hon. Member for Southwark being excluded from its deliberations, he was present during the whole of the sittings, until there were no further suggestions to be made; but when the Committee was about to deliberate as to their Report, it was intimated to him, that, according to the rules of the House, he was a stranger, and must withdraw. He felt the importance of having the statements in that address modified, because it was most unfair to make such a statement in an address to a constituency, as applied to the judicial proceedings of a Committee of that House. He thought that some explanation was due to the House, before another Committee of the same sort was appointed.

Mr. *Hume* thought it was not altogether regular to call upon an hon. Member to explain what appeared in the public journals. If they once admitted the principle, that Members must be answerable for what was reported in the public papers, or in public committees of that House, see what a situation hon. Members would be placed in. The speech might or might not be correct. His hon. Friend said, it was an address, but even then they had nothing to do with what occurred out of the House.

Mr. *Aglionby* said, there might be some doubt as to the expediency of putting the question, but he believed in principle and practice, that it was quite right. He contended, that when any statement appeared calculated to prejudice that House, it was their duty to call upon the hon. Member in his place to state whether what appeared in the public papers had been spoken by him, or whether he avowed or disavowed the expressions; that was done in the case of the hon. and learned Member for Dublin. When the noble Lord made his motion he had no knowledge of the matter except from the public papers; that was the origin of the proceedings which had occupied the House so long. An objection was now taken to the same course of proceeding, and he saw no other way in which the question could be set at rest, if it were worth noticing at all. He hoped, therefore, the House would call upon the hon. Member to give some explanation. He had seen the hon. Member in attendance at the committee; the hon. Member heard all the questions that were put and the discussions that took place, and he could assure the House, that he had never once lowered his voice in putting questions. The committee might have been wrong in permitting Mr. Harvey to be present during the two days of their proceedings, but he believed, according to the rules of the House, Mr. Harvey was a stranger, and the committee were justified in requesting him to withdraw. So far from there having been any secresy in their proceedings, the grounds on which they had come to their decision were communicated to Mr. Harvey. It was due to the committee to state thus much, and it was due to the right hon. Member for Montgomeryshire to say, that according to his judgment the right hon. Member had done nothing that was not strictly according to the forms of the House.

Mr. *Harvey* having been called upon, said, if the House considered it right, that a Member of that House should be called upon to explain an address to his constituents, he should not interpose any difficulty whatever. He had only hoped, that they had more important matters to engage their attention. As he understood the observation of the hon. Member for Sheffield, he had been called upon in courtesy, and he had no objection to give any explanation that was required. The hon. Member, however, should not have been altogether unmindful of what was due to him, for although he had been sitting in the House since four o'clock, and although the hon. Member had been there nearly for the same period, it was a mere accidental suggestion about five minutes since which led him to understand, that the hon. Member was about to mention the subject, or that he cared anything for what appeared in the public papers. As he had been called on by the hon. Member for Cockermouth to avow or disavow these words, he would at once; and he was not one of those who would take shelter under one thing or another; he would at once avow and explain what he had said. If he was wrong, no one was more ready to explain or retract it. He did write that letter, and he abided by it. It was true, not only in the letter, but in spirit. A secret and select committee of the House of Commons, in whose appointment he had no share, and from whose deliberations he was expressly excluded, had in its wisdom come to the decision that he had accepted an office of profit, and declared his seat to be vacated. That it was secret was not denied, because the hon. Gentleman had admitted, that all strangers were excluded. That it was select was also true, for that was the very title of the committee. In the appointment of that committee he had no share, because the names had never been shown to him, nor had he been asked whether the Committee were acceptable in its persons, or as a whole. True, he (Mr. Harvey) had accidentally suggested to a right hon. Gentleman on the Treasury Benches, that if there was no objection he would be pleased to see Mr. Sergeant Wilde and Mr. Sergeant Talfourd on that Committee, considering that they were both able lawyers; and with all due submission to the hon. Member for Cockermouth, they might have been useful in such a case, if they got a word in. With respect to that part of the subject he would say, that he not only gave credit to his hon. Friend, when he had stated, that he talked as loud as usual, but he heard nobody else speak. The first day there was no deliberation at all. There were only five Members present, and it appeared to him (Mr. Harvey), that they considered it as a mere conversazione. They walked about the room, and stood at the fire, and there was a great deal of coquetting about who should take the chair. The Solicitor General stated, that rather than nobody should take the chair, he would. He was obliged to the hon. Member for the compliment he had paid him in saying, that he had an opportunity of hearing what he did not recollect. The only deliberation was as to the questions to be circulated among the Members who were to be summoned for the following Thursday. They did assemble on that day, and he carried his point notwithstanding the thunder of the hon. Member's voice, that the hon. Member for Southwark had no business there, the committee being a secret and select one—nothing offensive of course was meant. He immediately said, that all he wished was, that the committee should come to a conclusion as soon as they could. It was then intimated to him, that he should retire, which he did most readily. The Chairman certainly asked him whether he had anything to state. He replied in the negative, adding, that all he wished them to do was to decide at once. To show how little he had to do with their deliberations, (he did not mean their talk or conversation), and to show how expressly he was shut out from them, the committee directed the messenger to tell him that they would be glad if he would wait in the library during their deliberations. He did wait there, and if they asked their librarian they would find, that during that time a good many of its shelves had been deranged as they sent for not less than twenty books to assist their deliberations, in which deliberations he (Mr. Harvey) had no share whatever. If, in making that statement to his constituents, he had offended the hon. Member or the committee he was sorry for it. Why should he? he was in excellent humour with them all, and so were his constituents. He had nothing to apprehend from their decision, for as soon as the forms of law permitted it he was repossessed of his seat. He would conclude by assuring them, that he had no intention whatever in framing that address to speak of the hon. Member in any other terms than that of kindness and courtesy.

Mr. *Goulburn* regretted very much that the hon. Member who had moved the Committee, had seen reason to depart from what he understood was the original intention of the House, viz., to submit the question to the same Committee as before—he was surprised to find the substitution of the names of two Gentlemen to whom he had no objection farther than as it infringed on the principle. The hon. Member was proceeding on the supposition that two Members of the previous Committee could not attend, and that it would be therefore necessary to substitute other names, but he doubted whether that would justify him in appointing other Members. He thought it was their duty not to make any alteration in the original understanding of the House for the accommodation of any particular Member on the one side or the other. He had really considered the question as one which they were not to deal with as a party or political one. The present Committee was a new construction of it, more than one Member being added; and he felt it impossible to give his sanction in such a proceeding. He hoped, therefore, the House would adhere to its original understanding.

The *Attorney-General* said, he had suggested the substitution of another name for his, as it would be impossible for him, however anxious to do his duty, either in this House or before a Committee, to be present. He should be engaged for three days. After that time, he should have no difficulty, but he thought the House to determine as early as possible.

Lord *John Russell* believed, that neither he nor the hon. and learned Gentleman intended to ask any Member proposed, whether he should attend the Committee or not. He thought, in a case of this kind, which involved the seat of a Member of the House, there should be no delay, especially as the investigation was not one likely to last for weeks or months, but would be decided in two or three days. He should move the appointment of the original Committee.

Mr. *Jervis* had no objection; however, he could not substitute Mr. O'Connell for Sir Thomas Acland, nor Mr. Harvey for Mr. Cresswell, because he had not given notice to that effect. He was indifferent about the opinion of the Committee—what he wanted was, to have the facts of the case clearly developed and laid before the public. Let no one accuse him of acting unfairly in this matter. He was willing to undertake the entire responsibility of the proceeding. However, for the sake of expediting the business, if those opposite would strike out of the eight Members which their side of the House furnished, Sir Thomas Acland and Mr. Cresswell, he would strike out Mr. O'Connell and the Attorney-General. Then the Committee would consist of eleven which he moved accordingly.

Mr. *Harvey* said, that if there had been a House on Tuesday, the Committee would have gone off well. He was glad of the suggestion of the hon. Member for Chester, but some of the arrangements that had been proposed were open to inferences unfavourable to the even flow of justice. He would have the House remember, that some persons were as much alive to their proceedings, as others were sensitive to addresses. When the right hon. Member for Montgomeryshire said, that it was unnecessary to propose a Committee because he was satisfied the Memfor Southwark had vacated his seat, it might be said, that he should not be on the Committee because his mind was made up. Why, if Montgomeryshire were not as safe as Southwark, that would be some reason for him to be on the Committee. They must not be content with mere parole evidence now, they must have ample documentary evidence before the House, and he was satisfied then the House would come to a just conclusion.

Original Committee nominated, with the exceptions as moved by Mr. Jervis.

Franchise (Ireland).—Dublin Petition.] Mr. *O'Connell* had given notice that he would, that evening, move that a certain petition from Dublin should be taken into consideration, and that he would also move for leave to bring in a bill. The petition to which he wished to call their attention, was in favour of that bill. He did not mean to trouble the House with any observations on that petition, but would proceed forthwith to move for leave to bring in a bill to assimilate the franchises of Parliamentary electors in England, Wales, and Ireland, and to render the same more extensive. That was the object of his present motion. It was one, perhaps, of little importance to the House, but it was one of the greatest and most paramount importance to the people of Ireland. He had been given to understand, that it was the intention of her Majesty's Government to oppose his motion for leave to bring in such a bill; and he would therefore state, as briefly as possible, the reasons why he conceived that the House ought not to concur in that opposition. The principle on which he asked for leave to bring in this bill, was the legislative union now existing between Great Britain and Ireland. If that union had any principle to support it, it was the identity of interests between the two countries. If there was not that identity between them, then it was the union of master and slave, and not the community of free citizens belonging to the same state. Having taken that principle as the basis which was to enable him to ask for leave to bring in his bill, he felt great regret at finding that the Government was determined to oppose its introduction. It seemed to him to be an authoritative declaration, that Ireland was not to have the benefit of the union, for that was stated at the time of forming it, to be a complete participation of privileges and franchises with Great Britain. He was standing there at present as a repealer; though it was his fixed opinion, that if his motion was refused, nothing but a repeal of the union would satisfy the expectations, and he might even say the longings, of his fellow-countrymen. It could not be but that they would think that repeal necessary, unless Ireland had the full advantage of the union. That was so obvious, that he should weary the House if he entered into any proofs of it. He would therefore proceed at once to show, that in the elective franchise, the difference between England and Ireland was absolutely enormous; that the number of electors in England was infinitely beyond that of electors in Ireland; and that in Ireland, it was positively so small as to render it a matter of surprise, that any resistance could be given to the aristocracy of that country, or that the popular voice could be heard there at all. What he insisted on was, that the people of Ireland were to have the same proportion of franchise which the people of England enjoyed; and that there should not be a limited constituency in one country, and a large one in the other. The great complaint even in England was, that its constituency was too narrow. He believed the complaint to be true. He believed that the constituency of England would have been larger, if the cause of reform had not fallen into hands who were more anxious to retard than to accelerate its progress. He believed, that the cry for an enlarged constituency would, when those persons had sufficiently shown their weakness and their wickedness, be renewed not only in England, but also in that House. He would not, however, enter into that question at present; all he wanted to show was, the difference of the two countries in respect to the elective franchise, and to prove, that though the constituency was narrow in England, it was still narrower in Ireland. He had examined a great mass of Parliamentary documents, but he had taken the amount of the number of electors in Ireland from the returns which were made to the House on the first registration after the Reform Bill. That was the most favourable view which he could take of the state of the franchise in Ireland, so far as regarded the point of numbers, for a greater number of persons had been registered at that time than had ever been registered since. It was impossible to ascertain how many persons had been added to that registry since, or how many persons ought to be deducted from it, for there were many persons on the registry now, though they were dead, or had lost their franchise, or had otherwise become disqualified to vote. He had endeavoured, as far as he could, to check these returns by the polls taken at contested elections, and he found that in every case the number of electors who were registered at first was much larger than the number ever polled at any election since. Intending, then, to confine himself to these documents, he would proceed to call the attention of the House to the various contrasts which they presented to the state of things in England, contrasts which displayed in every instance the immense superiority of the latter country in the enjoyment of the franchise. He would, in the first instance, take the principality of Wales; and from that he would show in what minority Ireland stood. Wales had 806,183 inhabitants; the number of its electors was 37,124. They were divided thus: the population of the Welsh counties, exclusive of the towns returning members, was 609,871; the number of electors was 25,815. Now, he would contrast the number of electors in the county of Cork with the number in all the different counties in Wales. The rural population of the county of Cork, not including the population of the cities and towns returning Members to Parliament, was 720,000. Wales, for 609,000 inhabitants, had 25,815 electors. The county of Cork, for 720,000 inhabitants, had only 3,835, that was less than 4,000. Was it possible, that the people of Ireland could ever deem themselves connected with England by an identity of privilege and franchise, when they found that among 700,000 inhabitants of Ireland only 3,835 were electors, whilst among 600,000 inhabitants of Wales, there were 25,815 electors? He would next take an English county, and would contrast the state of the franchise within it with the state of the franchise in several of the counties. He would take the smallest county in England, for instance, Rutlandshire. The population of Rutlandshire was 19,385; the number of its electors was 1,391. Now, this he would show, was more than the number of electors in each of seven counties in Ireland, which he would immediately mention. His object in making this contrast, was to appeal to the common sense of the people of England, in order that they might consider whether it was possible that the people of Ireland could be content with an union presenting such striking contrasts. He would now lay before the House the number of the population in the counties of Carlow, Louth, Kildare, Leitrim, Sligo, Kerry, and Mayo, and the number of electors in each:—

	Population.	Electors.
Carlow	73,958	1,248
Louth	93,225	1,025
Kildare	108,424	1,244
Leitrim	141,524	1,388
Sligo	162,482	941
Kerry	255,579	1,243
Mayo	306,228	1,350

It thus appeared, that Rutland, with less than 20,000 inhabitants, had more electors than two Irish counties, ranging between 70,000 and 100,000, than two more ranging between 100,000 and 140,000, than one more with upwards of 150,000, than one more with more than 250,000, and lastly, than another with more than 300,000. But this contrast would appear still more striking, if it were formed with some other counties in England and Wales—for instance, with Radnorshire. The population of Radnorshire was 16,241; the number of electors in it was 1,857, which was greater than the number in any one of the counties which he had yet enumerated. He would, however, contrast it with some other Irish counties. The hon. and learned Member read the following table:—

	Population.	Electors.
Longford	112,558	1,465
Wicklow	121,557	1,740
Westmeath	136,872	1,395
Waterford	142,714	1,494
King's County	144,225	1,526
Fermanagh	147,364	1,640
Meath	176,012	1,850
Roscommon	249,613	1,776
Donegal	289,149	1,448

He had often heard taunts uttered in that House against the restricted nature of the franchise in France. He had now shown that a quarter of a million of inhabitants in Ireland contained among them a less number of electors than were to be found in the small county of Radnor. Could the rights, he would ask, of the people of Ireland be as well protected as those of the people of England under such a system? He would take another English county, and that, too, a small one—he meant Westmoreland. The population of that county was 42,464; the number of its electors was 4,392. That county had a greater number of electors than any county you could select in Ireland. For instance, in Londonderry county, the population was 207,848, and the electors 2,172. Let the House, then, consider the comparative population of the two:—

Londonderry.. 207,848
Westmoreland 42,464

Excess in Londonderry . 165,384

Comparative franchise—
Westmoreland 4,392 electors.
Londonderry.. 2,172

Excess in Westmoreland 2,220

Again, in Downshire, the population was 337,876, and the electors 3,130.

Comparative population—
Downshire.... 337,876
Westmoreland 42,464—or 6 to 1.

Excess in Downshire 295,492

Comparative franchise—
Westmoreland 4,392 electors.
Downshire.... 3,130

Excess in Westmoreland 1,262

In Mayo, too, the population was 366,228, and the electors 1,350.

Comparative population—
Mayo........ 366,228
Westmoreland 42,464—or more than 8 to 1

Excess in Mayo . 323,764

Comparative franchise—
Westmoreland .. 4,392
Mayo 1,350

Excess in Westmoreland 3,042

In Tipperary, the population was 380,435, and the electors 2,369.

Comparative population—
Tipperary.... 380,435
Westmoreland 42,464—about 8 to 1.

Comparative franchise—
Westmoreland 4,392
Tipperary.... 2,369—nearly 2 to 1.

Excess in Westmoreland 2,023

So, too, in Galway, the county population was 381,564. and the electors 3,061.

Comparative population—
Galway...... 381,564
Westmoreland 42,464—more than 9 to 1

Excess in Galway .. 339,100

Comparative franchise—

Westmoreland	4,392	
Galway......	3,061	—near $\frac{1}{3}$ less in Galway.
Excess in Westmoreland	1,331	

Again, in Cork county, the population was 720,000, and the electors 3,835.

Comparative population—

Cork........	720,000	
Westmoreland	42,464	—about 14 to 1.
Excess in Cork	677,536	

Comparative franchise—

Westmoreland	3,392 electors.	
Cork........	2,835	—about $\frac{1}{8}$ less.
Excess in Westmoreland	557	

There was, in one instance, a singular coincidence—

Tyrone had a population of......	301,325
The electors were........	2,151
Flintshire had a population of	29,329
The electors were........	2,151

Thus the population of Tyrone exceeded that of Flintshire more than ten times told; yet the number of electors was precisely the same. One Welchman was, therefore equivalent to ten men inhabiting Tyrone. He had stated these facts upon documents which he believed to be authentic—namely, Parliamentary returns: but he must now add, that if those documents were not authentic, the other documents which he had to refer to would make out for him a still stronger case. If he were to refer to the number of electors who had voted in those counties where the representation had been contested, it would be found that in every instance the numbers were less than those which he had stated. At the last election there voted in Longford, which was violently contested, and when every vote that could be brought to the poll was taken there, 1,172; the return of electors registered was 1,465; the numbers who voted were 1,172—less by 203. In Westmeath there were returned as registered, 1,395; there voted, 1,138—less by 257. In Wicklow there were registered, 1,740; there voted, 1,325—less by 415. In Dublin city there were registered, 11,706; there voted, 7,023 (though about 1,000 freemen had been added); less by 4,683. In Cork county there were registered, 3,835; there voted, 2,504—less by 1,331. He thought that he had now sufficiently demonstrated the extraordinary contrast which existed between the state of the franchise in England and in Ireland. He thought that he had sufficiently demonstrated that in Ireland it was limited to the smallest possible number, whilst in England, though it was not so large as it ought to be, it was still sufficiently extensive to manifest to every Irishman the extreme injustice which was done to his country. He asked was it possible that any man could imagine that the people of Ireland would continue to call this connexion an union? Such contrasts as those of Cork and Westmoreland were what convinced the people of Ireland that that House was not disposed to do them justice. He would not go into an historical detail of the manner in which Ireland had been treated since the union; he would confine himself to the data before him, sums of vulgar arithmetic, leading to conclusions which it was impossible to resist. Gentlemen might say there were too many electors in Ireland, and that they wished to diminish the number. He was prepared for that sentiment; he believed it might exist on both sides; he saw a Gentleman who smiled in assent; but could any rational man suppose, that the people of Ireland would endure this? Why, it was oppressive, it was unjust, it was insulting to them. The people of Ireland deserved the confidence of the constituted authorities as much as the people of England; they had the same natural rights; they bore like burdens; they shared in the same dangers against a common enemy. Why, then, should any man dare to insult them by assisting in perpetuating this contrast between them and the people of England? Government might boast that they had received the thanks of the Irish people for the manner in which they had ruled that country. It was true they had, for this was the first Government that had attempted to act impartially towards Ireland; but if they came forward to shield this enormity, they would make it their own, and would show that, whatever motives they might have for acting with administrative justice towards Ireland, they had no real or consistent regard for the spirit of justice. The franchises of which Ireland had been deprived were still enjoyed by England. There was a 40*s.* franchise without occupation, and a 10*l.* franchise without occupation. The franchise in Ireland was much higher in relative value and it was made higher still by the term of occupation that was demanded. England was the richer country, yet it had a lower franchise; Ireland was a far poorer country, and the amount of qualification was made infinitely higher. There was a maxim familiar in the higher courts, that equality was equity. Equality in this respect was the only equity. It was not in pounds, shillings, and pence, that it should be made equal, but the real value should be equalized by taking into account the different states of society in the two countries. He had pointed out the results which the present gross inequality occasioned. He did hope it was the first time the present Government had been made aware of the horrifying contrast, since they had hitherto made no attempt to redress the grievance; and, although his bill might be resisted to-night, he trusted they would apply some remedy. He knew it might be thrown out that 40*s*. freeholders were sacrificed by a class of the advocates of Catholic Emancipation at the time the Emancipation Bill passed. He denied it: there never was a grosser falsehood. He had documents to prove the groundlessness of the assertion. The last resolution passed by the Catholic Association, when it dissolved itself, was one calling on Parliament not to emancipate the Catholics at the expense of the 40*s*. freeholders. Forty-five delegates came over to watch the progress of the Emancipation Bill, and they presented an unanimous petition to the House to stay the progress of the bill rather than sacrifice the 40*s*. freeholders. The reading of the petition was prevented by the present Chancellor of the Exchequer: it was signed by all the popular representatives of Ireland. Even a proposal for the partial abolition of the 40*s*. franchise was rejected by the emancipators, and from 1825 to 1829 the 40*s*. freeholders vindicated their rights with the countenance and support of the Catholic delegates. Could the House suppose that Irishmen would patiently endure the inequality that now degraded them? If Englishmen were placed in the same position—if they saw a small Irish county with a larger number of electors than the great county of York, they would not endure it for a day; they would not pass a night in bed before they had set on foot measures to remedy such an abuse. If they saw a county like Carlow with a population of 73,000 — and a greater constituency than Yorkshire with 800,000 inhabitants, the law would not remain unaltered a week. The rules and orders of the House would be suspended, they would not go to bed without having passed a bill to make the change, it would be in the House of Lords to-morrow, and he did not think that House would reject such a bill. He had been sneered at often for his predictions, although they sometimes turned out to be true; they might be disposed to laugh at them on this occasion, but he would tell them that if this was the first time they had heard of the question, they would hear of it often enough in future. He told them the people of Ireland would not submit to the abuse of which they complained; they were able enough to have their wrongs redressed, and they would have them redressed; they would have the union perfect, or no union at all. They might mock him here, but what he said was listened to with some attention elsewhere, and when he had such facts as he had detailed, with such arguments as inevitably arose from them, and when he told his countrymen that he had met with no sympathy here, that the mere ceremony of bringing in a bill was refused, and that he was told *in limine* that there was something so final in the Reform Bill, that Ireland was not to have a lower franchise, the voice of the people of Ireland would be raised in indignation, and it must be listened to by that House. Injustice had been done to them. During the struggle for reform they aided the English reformers; it was the Irish Members that gave the English their first majority on that question; they stuck by them for good and evil, but they had been punished for it. Their first boon from a reformed Parliament was the Coercion Bill, and now they would be refused the correction of the injustice he was representing. What did he care for the professions that Government made of their willingness to do his country justice, when he found their actions in direct contrast to their declarations? What an excellent disposition they professed to cherish! He would bring it to the test. Was there ever a grosser injustice than that which was created by the difference of the franchise in England and Ireland? If such a contrast existed between the southern counties of England and the northern—if the difference was as great between Westmoreland and Kent as it was between Westmoreland and Kerry, would it be tolerated for a day? Oh! but the two countries were united. Were they? He produced his calculation, he showed that the political rights of the inhabitants were not the same. When they talked of a union, there was no union at all; it was the subjugation of a province, if they would but avow it fully and manfully, and let loose their faction again upon it. But the people of Ireland were getting too strong for this; they could not be governed by a faction; seven or eight administrations had been ruined by trying to govern Ireland on this system; let them do this, and supply the only thing wanted to show their aversion to the Irish people, and their determination not to do them justice. Nothing could be more obnoxious to the Irish people than the present tenures of land; the evils of Ireland arose from agrarian misery, and resulted in agrarian outrages; yet the present system, and the abuses that sprung from it, were to be continued, and all prospect of improvement cut off. Attempts had been made also to introduce Protestant tenants in the room of Catholics, but the landlords soon got weary of religious fervour that lessened their annual income. Some of the Protestant colonies had already disappeared; but what a frightful thing was the religious animosity that resulted from expelling the one set of tenants, and bringing in the other, and giving them a beneficial interest. Why, it was the worst shape in which the fiend of religious discord could present himself in Ireland. By refusing to accede to his motion, Government would declare themselves the promoters and patrons of injustice. He might be told, that the English franchise was unjust as well as that of Ireland, and should be extended. Be it so; give the people of Ireland an extended franchise, and he would join them in regulating the English franchise. He had once thought of altering the present form of his motion, which included both the assimilation and extension of the franchise in the two countries, but he considered it better to take the sense of the House on it in the terms in which it now stood on the paper, as he should most assuredly once every fortnight or three weeks while the Session lasted take the sense of the House on a motion somewhat similar. He might be called on to declare what extension of the franchise he proposed. The 10*l.* franchise now existing in Ireland was equivalent to a 20*l.* franchise in this country, and he would be glad if the House would lower it to the level of the English; but he proposed further to diminish the qualification in both countries to 5*l.* He now called on the House to decide this question. He had explained the extraordinary contrast that existed between the two countries. He could say, with firmness, that he was authorized by the people of Ireland, who had placed confidence in him long and unremittingly, to declare positively to the House that they would be contented with no union but one of reality. The hon. and learned Member moved, in conclusion, for leave to bring in a bill to assimilate the franchises of Parliamentary electors in England, Wales, and Ireland, and to render the same more extensive.

Viscount *Morpeth* said, that notwithstanding the repudiation by his hon. and learned friend of all professions, and what he termed lip-service, he could assure the hon. and learned Gentleman that he should have risen with far more alacrity and pleasure than he now did, had it been his task to signify to the House his compliance with the hon. and learned Gentleman's motion. In so doing, he certainly should have acted more in conformity, apparently at least, with the views which he had ever entertained, and which when an opportunity occurred, he had ever endeavoured to act upon, in reference to the mode in which it behoved the Legislature to deal generally with questions of Irish policy. The propositions of the hon. and learned Gentleman were in many instances founded in truth. With such impressions and such feelings as these, he might, reasonably enough, be asked how it was that he was not prepared to assent to the introduction of the measure. He felt that this motion, both as taken in itself, and in connection with several other correlative questions, was of a nature which rendered it the imperative duty of Government not to leave any room for misapprehension or uncertainty about it. He deemed it would be most unwise and improper to raise unfounded expectations, by assenting to the introduction of a measure, which he hereafter might find himself under the harsh necessity of refusing. Supposing that Government had quite made up its mind on the subject, it would be most undesirable to have the time of the House taken up by fruitless discussion without any practical result being attained. He was far from wishing to assert in favour of any Act of Parliament a claim which it would be utterly impossible to make in favour of anything human that he was aware of, that of being considered a finished and perfect work, an eternal and immutable contract. Still less was he prepared to contend that the day might not come when it might be permitted to the Legislature to sweep away every remaining vestige of inequality from the statute-book of both countries. He, and those who acted with him, were already engaged in that endeavour, on a field where the difficulties in their way seemed to them less invincible. These difficulties, however, would be, he feared, so greatly increased by any course of proceeding which should multiply the objects in view, as to involve them in the risk of destroying and defeating their own endeavours. As to the point of identity, he could not, consistently with a due regard to the force of figures and the truth of calculations, deny that there was a great disproportion between the franchise in England and that in Ireland, considering the respective population, neither was there a perfect identity between England and Scotland, but at the same time the disproportion in the case of England and Ireland was not so great as the hon. and learned Gentleman imagined. While, however, he repudiated the notion of attributing what was called finality to any legislative measure, and while he professed himself ready, when a proper opportunity occurred, and not merely ready, but anxious, finally and completely to remove all the remaining inequalities between the two countries, yet he could not exclude from his consideration of this case, that the motion of his hon. and learned Friend, if assented to, would be in direct contravention both of the settlement which accompanied the Emancipation Act of 1829, and of the settlement made by the Reform Act of 1832. At the time this latter measure was in progress through the House of Commons, his hon. and learned Friend brought this identical proposition before the then House of Commons, and it was debated at great length and negatived by the Parliament which enacted the Irish Reform Bill. Was it to be said that the Irish Réform Bill had failed. This, at least, could not be said with any grace by the hon. and learned Gentleman, when he looked around on those who surrounded him, and saw the benches on all sides of him filled with such a large majority of Gentleman from Ireland, who professed the same opinions as his own. When the hon. and learned Gentleman brought forward this proposition on the occasion referred to, he stated that the Irish Reform Bill would only serve to extend and increase the power of the oligarchy in Ireland; that it would hand over the whole representation of Ireland into the absolute possession of the absentee landlords of that country; and that if the object were to place all Ireland under the uncontrolled domination of the Tory Aristocracy, no better mode could be adopted than the bill called the Irish Reform Bill. Yet how had matters turned out? Precisely in such a way as to prove that it could not be on the credit of a fulfilled prophecy that the hon. and learned Gentleman could found his present motion. If, indeed, it were true, as the hon. and learned Gentleman at that time prophesied, that the Irish Reform Bill threw the franchise into the hands of the oligarchy of Ireland, he could only express his pride and gratification that the policy of the present Government had been so satisfactory to the oligarchy in question, that they had permitted so large a proportion of the representation of that country to fall into the hands of gentlemen who gave their support to that government. Again, with reference to what took place at the passing of the Emancipation Act. He did not pronounce that measure, more than any other, an indissoluble, inviolable compact, or that all those who supported it were parties to any such understanding, still it was well known that the disfranchisement of the 40*s.* freeholders was made an inseparable condition of the adoption of that measure, by those who brought it forward, and who at that time had alone the power of carrying it. With reference to what had happened since the passing of that measure, considering what had occurred on the tithe question and the question of the Irish Church—questions, the merits of which he should not, of course, drag into the present discussion—it could not be asserted that all that had taken place since the passing of the Emancipation Act had so far reassured and quieted the minds of those who viewed with great jealousy and distrust the tendency and consequences of that measure, as to bring it within the verge of possibility that Parliament would give its sanction to the motion of his hon. and learned Friend. He had only to add, that to any feasible and practicable proposition for confirming and extending the rights and good government of the people of Ireland, he should be most willing and anxious to accede, and in declining to give his consent to the present motion he had the consolation of reflecting that in so doing he was not meting out a different measure to the three countries which formed the empire, for while the Government was ready to accede to any judicious proposition for carrying out the intention and improving the machinery of the respective Reform Acts, they refused, in the case alike of England, Ireland, and Scotland, to change and alter the natnre and extent of the franchise which the imperial Legislature had thought it proper to adopt. For the reasons then, which he had thus briefly stated, admitting at the same time that his hon. and learned Friend had shown, that great disproportion did in many cases exist in the franchise; yet, thinking that the Legislature ought not thus lightly to disturb the arrangements which had accompanied statutes of such vast importance, and of so recent a date; and believing that encouraging any endeavour to do so would only lead to protracted and resultless debates, he must give his decided, though reluctant, negative to the motion.

Mr. *Sergeant Jackson* would not occupy the attention of the House for many minutes. He had two observations to make, one of which applied to the hon. and learned Member for Dublin, the other to the noble Lord who had just sat down. But before he proceeded to these he must express his admiration of the manner in which the former had abandoned the petition. [*No, no.*] He was certainly right. He understood the hon. and learned Member to say that he would not call the attention of the House to the petition, but would proceed with his motion for leave to bring in the bill. This, therefore, was giving the go-by to the petition. He congratulated the noble Lord and her Majesty's Government that in this instance there was no intention to second the wishes of the hon. and learned Member for Dublin. But he should have been better pleased, he should have been much warmer in his congratulations, if the noble Lord had adopted bolder and sounder grounds for opposing the motion. Those assumed by the noble Lord had no proper basis—they were fallacious and full of sophistry. For the noble Lord had conceded the propriety of the hon. and learned Member's comparison of the extent of the constituencies, in proportion to the population, as between Ireland and England. He would ask the noble Lord whether or not the provisions of the Reform Bill had not been determined by the principle, not of population, but property? Was not the very basis one of property? He was astonished at the noble Lord's admission of the principle laid down now by the hon. and learned Member; and adding to that right the consolation that the day was not far distant in which his views might be carried out. Yes, the noble Lord had held out the hope and expectation that on a very near day the hon. and learned Member might be able to achieve his object. If the noble Lord and his learned Friend would compare the English with the Irish Reform Bill, they would find that the privilege of votes was in many cases more extensive in the latter than in the former. There were various franchises in Ireland unknown to an English constituency. He would tell the noble lord and the learned Gentleman what these were. But he would first say that it was not the Reform Bill that disfranchised the 40*s.* freeholders; it was a previous measure, that of Catholic Emancipation, and those who spoke loudest now of the disfranchisement of the 40*s.* freeholders, should be asked, who called loudest then for their abolition? He asked the hon. and learned Gentleman how he came to do aught in the matter—how it was he threw the 40*s.* freeholders away? He perhaps might now say, as he had on some other occasion, "Oh, we were supplicants then, we were humbly petitioning to be emancipated." Or, "We made promises in our thraldom we should not be asked to redeem now we are free." But this would be no answer to the House. The hon. and learned Member must be content to be judged out of his own mouth; and this would be best done by referring to the evidence of the hon. and learned Member before the Committee of the House of Lords in 1825. What he would read to the House was an extract made from that evidence—the questions put to the hon. Member, and his replies, word for word.

"Do you think raising the qualification to 10*l.* would be productive of good to Ireland? —I think it would be productive of benefit. It is in my humble judgment no small benefit to get rid of any portion of perjury; and it is the commencement of what we want so much in Ireland—a substantial yeomanry. The population is too much divided between the highest and the lowest class.

"Would the qualification of 10*l.* be sufficient for that purpose?—I think it would for this reason—there must be a clear profit of 10*l.* per annum and a freehold tenure. Many would be ready to make a sacrifice of 10*l.* per annum who would hesitate before they would sacrifice 20*l.* per annum, because at the commencement of the lease it must be so, in order to satisfy the purpose as well as during its progress.

"What do you mean of sacrifice :—The sacrifice by so much income; the landed proprietor, when he makes the lease, makes it at a rack-rent in 99 cases out of 100.

"You stated that many persons would be willing to make a sacrifice; who are the persons who have the sacrifice to make?—The land proprietors. The landlord making the lease would have to make the sacrifice, if he constituted the freeholder of 10*l.* per annum. When he could get for his land 20*l.* per annum if he did not make him a voter, he would get but 10*l.* if he wished the man to have a vote, for the income must come out of the landlord's rent, and therefore it is a sacrifice. In creating a right to vote by a lease for life, it must be upon an interest, whatever the qualification may be by which the person acquiring the vote has a clear yearly profit to the amount. He should have a clear profit, at which he should be able to let to a third person next day after his own lease, and which profit the landlord might himself have got in the letting of it."

He would pray the House to pay attention to the last answer particularly. The hon. and learned Member was so precise in his declaration that he would have the lease so claused as to have a clear yearly profit of 10*l.* at which the assessor would be able to sell it to a third party—an undoubted marketable value of 10*l.* per annum. There was the construction of the hon. and learned Gentleman of what ought to be the proper qualification, and yet he had the front day after day to arraign the judges of the land on account of their construction of what ought to be a 10*l.* qualification. After such a solemn and deliberate record of his opinion on the subject, the hon. and learned Gentleman now came to the House and endeavoured by argument, or persuasion, or threats, to restore the forty shilling franchise he had done so much himself to destroy. He would now state to the House what were the peculiar elective privileges enjoyed by Ireland, the poorer country, and on the principle laid down in passing the Reform bill, the less requisite of the two for anything like an extension of franchise over England. It was true, that Ireland had not the forty shilling freehold franchise, for reasons sufficiently shown in the evidence of the hon. and learned Member for Dublin, but her counties possessed two descriptions of franchise which England did not. These were lessees for twenty years with an annual profit of 10*l.*, and sub-lessees for twenty years, with a profit of 10*l.* per annum. And in counties of cities there were no less than six extensions of the franchise. They were lessee or assignee for a term of sixty years, with a profit of 10*l.*; lessee or assignee for fourteen years, with 20*l.* profit; sub-lessee for sixty years, with a profit of 10*l.*; sub-lessee for fourteen years, with 20*l.* profit; lessee of twenty years, with a profit of 10*l.*; and sub-lessee for twenty years, with a profit of 10*l.* So that, with the exception of the 40*s.* freesholds, abolished before 1829 as far as Ireland was concerned, and the vote of a 50*l.* tenant at will, Ireland had every other franchise that England had, and the eight others that he had enumerated to the House. He would, therefore, say, that the proposed additions to the franchise in Ireland were unfair, and the claims on which they were sought to be obtained were unfounded. Was the House to be thus pressed on from Session to Session with complaints of this nature, and with assertions and admissions that in the Reform Bill there was no finality? Or was the House to sanction the disposition of the hon. and learned Member to drive the noble Lord and his colleagues still deeper and deeper into agitation and disorder—and the noble Lord, almost unresisting, if not inviting, a further a nearer and final descent? If not, let the House treat the motion as the hon. and learned Member had the petition. Thanking the House for the patience with which he had been heard, he would conclude his observations by declaring that he would oppose the motion.

Mr. *Redington* said, the hon. and learned Sergeant had made no reply to the statements of the hon. and learned Member for Dublin. The hon. and learned Member was wrong, said the hon. and learned Sergeant, in arguing as if population had been made the basis of the Reform Act; but how far was the hon. and learned Sergeant himself correct in his statement of the principle of the Reform Act? Why, that the basis of the Reform Act was property. But in reality, every one knew, that the basis of reform was the compound one of property and population combined; and therefore the learned Sergeant erred quite as much, when he made this statement, as the hon. and learned Member for Dublin would have done, had he placed reform on the basis of population alone. Would the hon. and learned Sergeant tell the House, that the compound basis of property and population would not give to Cork a greater body of electors than she now possessed? With respect to what the hon. and learned Sergeant had said about arraigning the judges for their construction of the law respecting qualifications, the hon. and learned Gentleman might perhaps have remembered who it was arraigned the judges of the land on the question of the registration of freemen in the city of Dublin, which they declared had been carried on for many years on a wrong system; and when the hon. and learned Gentleman spoke of the eminent Statesmen who had acted in 1829, on the evidence of the hon. and learned Member for Dublin, given in 1825, he might find perhaps, that an eminent Statesman sat near him who would be able to tell him, that there was some difference in the situation of the Members of the Cabinet in 1825 and in 1829. There was no force in the charge made against the hon. and learned Member for Dublin respecting his having arraigned the judges; for did not the hon. and learned Member, immediately upon the decision of the judges as to beneficial interest being necessary to a qualification, come forward to say, that this was not the franchise which he had looked forward to giving the people of Ireland, not the franchise which it was intended by the Legislature to adopt. With respect to the speech of the noble Lord he had heard part of it with great pleasure, and he especially coincided with the noble Lord in his remarks with regard to the finality of legislative measures. As long as they could not pretend to be infallible in judgment, so long they could not pretend that laws were never to be altered. But the noble Lord asked how, in the present state of parties and the present circumstances of the two Houses of Parliament, this bill could possibly be expected to succeed? But the noble Lord, the Member for Stroud, had adopted a more vigorous and more manly course when he had carried reform in spite of the difficulties and opposition which beset it; and he could not think, that they ought to delay bringing forward measures until they could be sure of carrying them. This was the worst argument, he thought, that could be brought forward. However, he felt assured, that justice was on the side of the Irish people, and that success must ultimately crown their efforts; and he would tell the House, that they would regret for years to come, the consequences of refusing them the satisfaction of laying on the table their case, without saying a word in refutation of the facts on which it was founded.

Colonel *Conolly*, though pleased that the noble Lord objected to the motion, yet could not help regretting, for the sake of Ireland, that the noble Lord should have held out hopes, that the time would come when such a motion would succeed; when, in fact, the noble Lord would be content again to play second fiddle to the hon. and learned Member. As the noble Lord had not had firmness enough to resist his learned Friend, it became his duty to state the evil consequences that would arise from the timidity of the noble Lord, and his want of firmness in resisting a thing that was so fraught with evil to Ireland. He had said, over and over again in that House, and would repeat it, that of all the curses that ever was inflicted on Ireland, the 40*s*. franchise was the greatest. He knew no greater source of misery, of criminality and corruption, than that scourge that was inflicted on that country; and if anything could have induced him to acquiesce in Catholic emancipation, it was the doing away with that measure. Any person travelling through that country must have seen, that it was the parent of a good deal of the pauperism, the source of a great deal of the crime, and the fountain of the corruption which existed. The land was cut up into small portions to create franchises, and men swore to what they did not possess for that purpose, and the people were driven like a flock of sheep to vote for what they did not comprehend, for measures in which they had no part. He would go as far as any Member of that House with the franchise, so long as it could be extended with security to the state and independence to the individual; but beyond that point he would not consent to go. The hon. and learned Member for Dublin had taken occasion to say, that landlords did not give leases in consequence of the franchises arising out of them. They did not give leases, because of the agitation which they created amongst their tenantry, and from the state of riot which was incident to them. He would say, before the British Parliament, that the hon. Member for Dublin had done more injury to Ireland, so far as withholding leases was concerned, by preventing landlords giving them, because they could not give them with good faith; he had induced a power which made the landlord stand on his own strength, and not give to his tenantry that which would be abused by the advocates of agitation. It was perfectly true, that the landlords had been driven to this measure—that they were called to act upon it to the very fullest extent, that they possibly could, to save their tenantry from the agitation—from the means of intimidation which had so grossly injured that class of people and so awfully degraded their country. He would take the liberty to trespass upon the House a little, and describe what he conceived to be the converse of the proposition; and he would state, that already in Ireland to a very great extent had the 10*l.* franchise acted in a way which his learned Friend below him (Mr. Sergeant Jackson) had described; and owing to it, the great body of the tenantry were a tenantry that would not be intimidated by having cross-bones placed over their doors; a tenantry that were attached to and valued by their landlords. Already was the 10*l.* franchise doing away with the evil. He was sorry to say, that in some instances it was accompanied with painful consequences. Already, however, the 10*l.* franchise was very extensively calling into action a better kind of tenantry, and creating an independent body of yeomanry, which was so much wanted in Ireland. He would not trespass further on their attention, but would entreat them to cherish the franchise which had carried every moral good along with it, and which he trusted would, before long, set agitation at nought, and intimidation at defiance.

Mr. *V. Stuart* said, it was his intention to vote for the motion. He was of the same opinion as the Member who had just sat down with regard to the 40*s.* freeholders. He did not think it was necessary to go so low as 40*s.*, but he deprecated that state of things which now existed, and should therefore vote for the hon. Member.

Mr. *William Roche* said, that reluctant as he felt to disturb our existing connection, provided it could and would be maintained with honour, justice, and reciprocity towards Ireland, he could not hesitate supporting every measure calculated to attain those desirable impressions and results. The measures proposed by his hon. and learned Friend, the Member for Dublin, whether they may require modification in detail or not, afforded a substantial basis for raising them upon a useful superstructure of improvement; and he therefore hoped his hon. Friend might be permitted to bring in his Bill, subject, of course, as its details would be, to distinct and separate consideration, and discussion. Every thing should be done to meet the wants, to satisfy the just expectations, and soothe the feelings, of Ireland, deprived as she was in a manner so flagitious of her rational individuality, and therefore entitled to even the leaning of the beam in everything tending to her prosperity and contentment; but to any thing short of perfect justice and reciprocity, she would not submit. On a former occasion he voted for a revision of the terms and circumstances of the Union, with a view to the removal of those complaints and anomalies, which it was the object of his hon. Friend's endeavours to accomplish, and he (Mr. Roche) considered, that in advocating measures tending to abate those disparities and inequalities, he was acting a part truly, and alone conducing to a union of hearts as well as of law. He therefore hoped, that those reluctant to disturb the subsisting connexions, if based on justice and equality, may not be compelled by the refusal of that justice, to the entertaining and acting upon different sentiments.

Mr. *O'Connell* said, he would not detain the House long. The hon. and gallant colonel opposite seemed perfectly satisfied with himself, and he would he sorry to disturb his complacency. He would face him readily. He did think that the noble Lord had held out something like a word of promise to the ear, but he was disappointed, for he had completely broken it to the sense. He had talked against finality, and then had substituted another word for it. His hon. Friend, the member for Dundalk had well described the trivial importance of using the word settlement, instead of finality. The learned sergeant, however, was worthy of a moment's attention. He had read a passage to show his (Mr. O'Connell's) explanation of an Act of Parliament passed in 1832—the Irish Reform Bill, and had said that he had arraigned the judges for their misconstruction of that Act. In order to show the meaning which he had put upon the Act of 1832, the learned sergeant had read the evidence which he gave in 1825. The learned sergeant had given the terms of his evidence as to the standard of value, but the franchise, in reference to which that opinion was given, was created by an act which accompanied the Emancipation Act, whereas the present franchise on which so much dispute had arisen was created by the Reform Bill into which the beneficial interest clause was introduced. So much for the learned sergeant's quotations, in which there certainly seemed a strange want of candour. The hon. and learned sergeant had told them, that, in the towns in Ireland, there were an immense number of franchises which did not exist in England. That was his argument for limiting the franchises in Ireland. What would the learned sergeant think, if they would be glad to get rid of these extra advantages from the towns of Ireland? But what was the real fact as to the comparative extent of town franchises? Let them hear a few instances. There was Chester, with a population of 21,363, in which the number of electors was 2,231; while in Belfast, one of the wealthiest and most commercial cities in Ireland, with a population of 53,000, there were only 1,926 voters. But was that all? He would take a case which must come home to the hon. and learned sergeant. In Wallingford, with a population of 2,467, the constituency was 354; while Bandon, which contained 12,000 inhabitants, had but 251 voters. And yet the representative of Bandon told them, that there were more town franchises in Ireland than in England, and he was cheered to the skies for the statement. But on whose side was the real fallacy? There were no less than three different franchises in towns in England, which did not exist in Ireland. There was the 40*s*. franchise, arising from a lease for a life or lives, which required occupation—there was the 40*s*. franchise arising from a fee-simple estate, which did not require occupation; and there was the 10*l*. franchise from a lease for a life or lives, not requiring occupation—all existing in England, and not in Ireland. There were, then, three franchises in England which did not exist in Ireland; and yet the hon. and learned Sergeant had come down with his statement that the town franchises were more numerous in Ireland than in England, and with his specimen of forensic eloquence, founded on extracts which did not apply, and the omission of others which would have explained them. The learned sergeant could overlook the fact, that Wallingford, with one-sixth the population of Bandon, had a constituency equal to one-third; while he was receiving the ready and practised cheers of the gentlemen around them. He did not envy the learned Sergeant these cheers, nor the mode in which he obtained them. He had proved, that Ireland was miserably defective in this respect. He did admit that he thought the Reform Bill would work worse than it had worked. One of the present judges had called it a Conservative measure; and its natural operations would have been such, and it would have worked that way, had it not become necessary to counteract this tendency by agitation. They had created that agitation by continued injustice, and they continued the agitation. What cared he for the censure of creatures whose intellect he despised, and whose political principles were to him contemptible. He received those cries with most perfect good humour. Hon. Members were greatly mistaken if they supposed he did not. To return to his proposition, he had shown them, that an English county, which contained 42,000 inhabitants, had more voters than any county in Ireland whatsoever, though there were in Ireland counties containing 700,000 inhabitants. He had shown them, that a county, which contained 16,000 inhabitants, had more voters than nine counties in Ireland. He had shown them, that even in the towns there was the same disproportion; and then, forsooth, he was asked if he had not made a settlement—an arrangement; it was a last settlement in words, but not so in reality. Settlement! when they were no parties to that settlement. They demanded their rights. A question was put to him, "What will you give me if I will give you your own?" The answer was, "Nothing." They (the Irish people) would get their own. What, because they in England had the legislative machine in their own hands, they talked of settlement! Settlement! disseverance. Settlement! disturbance. It had no principle of justice in it. For twenty-nine years after what was called the Union, they had kept the people of Ireland out of their liberties. For twenty-nine years they had refused justice to Ireland, and had then enforced another injustice, which he was told was to be a settlement by the learned Sergeant. He was told that the Reform Bill created franchises. Its business was not to create them; not to destroy them, it ought to renew them. He had divided the House then, and he should divide the House that night. He divided it in vain, to be sure he did; but that did not either terrify or annoy him. He had performed his other duties, and would perform that; and he would agitate again and again. He heard many a cheer pleasing to his ear on the other side; they might laugh the Irish people to scorn; they might despise them; there were at least 7,000,000, whom they could not seduce or intimidate, although they brought the piety of their landlords, with their practical persecution, to their aid. "Ah!" continued the learned Member, "ah, shame to your religion! I do believe ye belong to the most persecuting church on the face of the earth. But when I hear that system of landlord's persecution cheered in the House, have I not a right to meet it as I have?" He should divide the House, and give the people of Ireland this proof, that the House of Parliament was not disposed, for many a day, to give them justice. All he wanted was equality; he would never be satisfied with less, and he would obtain it through that House, and by that House.

Mr. *Blackstone* said, the hon. and learned Member had stated the number of constituents for the old borough of Wallingford before the passing of the Reform Bill; but since then a large district had been added, and the population was now between 7,000 and 8,000. The hon. and learned Member had very correctly stated the number of constituents to be between 300 and 400, but the population was very much greater than he had stated.

Mr. *O'Connell* said, his calculation was on the constituency of the old borough, and on the population of the old borough.

The House divided:—Ayes 92; Noes 155: Majority 63.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archibold, R.
Baines, E.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Bryan, G.
Butler, hon. Colonel
Cayley, E. S.
Chalmers, P.
Chichester, J. P. B.
Codrington, Admiral
Collier, J.
Collins, W.
Currie, R.
Curry, W.
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Easthope, J.
Evans, Sir De L.
Evans, G.
Fielden, J.
Finch, F.
Fort, J.
Grattan, H.
Grote, G.
Handley, H.
Hawes, B.
Heathcoat, J.
Hill, Lord A. M. C.
Hindley, C.
Howard, Sir R.
Hume, J.
Hutt, W.
Hutton, R.
Jervis, S.
Johnson, General
Langdale, hon. C.
Leader, J. T.
Lister, E. C.
Lushington, C,
Lushington, rt. hn. S.
Lynch, A. H.
Macleod, R.
M'Taggart, J.
Marsland, H.
Martin, J.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, M.
O'Connell, M.
Paget, F.
Pattison, J.
Protheroe, E.
Pryme, G.
Roche, E. B.
Roche, W.
Roche, Sir D.
Salwey, Colonel
Scholefield, J.
Stanley, W. O.
Stansfield, W. R. C.
Stock, Dr.
Stuart, V.
Style, Sir C.
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
Williams, W.
Williams, W. A.
Yates, J. A.

TELLERS.

O'Connell, D.
Redington, T. N.

List of the NOES.

Abercromby, hn. G. R.
Acland, Sir T. D.
A'Court, Captain
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Attwood, M.
Bailey, J., jun.
Baillie, Colonel
Bainbridge, E. T.
Barnard, E. G.
Barrington, Viscount
Bateson, Sir R.
Blackston, W. S.
Blair, J.
Blake, W. J.
Blandford, Marquess
Blennerhasset, A.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Bruce, Lord E.
Bruges, W. H.
Burr, H.
Busfeild, W.
Byng, rt. hon. G. S.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cavendish, hn. G. H.
Chapman, A.
Clay, W.
Conolly, E.
Courtenay, P.
Crawley, S.
Creswell, C.
Cripps, J.
Dalmeny, Lord
Darby, G.
Davies, Colonel
Donkin, Sir R.
Douglas, Sir C.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Viscount
Eaton, R. J.
Eliot, Lord
Evans, W.
Ferrand, R.
Fector, J. M.

Ferguson, Sir R. A.
Filmer, Sir E.
Fitzalan, Lord
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Glynn, Sir S. R.
Gordon, R.
Gordon, hon. Captain
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, hon. Colonel
Grant, F. W.
Grey, Sir G.
Grimston, Viscount
Hawkins, J. H.
Hayter, W. G.
Hepburn, Sir T. B.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Holmes, W.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Howick, Lord
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Jackson, Sergeant
Johnstone, H.
Jones, T.
Kelly F.
Lascelles, hon. W. S.
Lefroy, right hon. T.
Lemon, Sir C.
Lennox, Lord A.
Lockhart, A. M.
Lucas, E.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Mahon, Viscount
Marshall, W.
Marsland, T.
Marton, G.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Nicholl, J.
Noel, W. M.
O'Neil, hon. J. B. R.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parnell, rt. hon. Sir H.
Parrott, J.
Pechell, Captain
Peel, rt. hon. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Planta, right hon. J.
Plumptre, J. P.
Pollock, Sir F.
Praed, W. T.
Pusey, P.
Rice, E. R.
Rice, right hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Sanderson, R.
Sandon, Viscount
Sanford, E. A.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E. J.
Stanley, Lord
Strangways, hon. J.
Strutt, E.
Surrey, Earl of
Teignmouth, Lord
Tennent, J. E.
Thompson, Alderman
Trench, Sir F.
Troubridge, Sir E. T.
Vivian, J. E.
Wilshere, W.
Wood, C.
Wood, Colonel T.
Wood, T.

TELLERS.

Maule, F.
Stuart, R.

Paired off.

FOR	AGAINST.
Hall, Sir B.	Nicholl, J.

NATURALIZATION OF FOREIGNERS.] Captain *Pechell* said, the case to which he was about to call the attention of the House would show the great inconvenience that had resulted from the course which a great majority of the House had determined to pursue with respect to receiving petitions. He would confine his observations to the narrowest limits consistently with the justice of the case that had been committed to his charge. He begged to call the attention of the House to the petition of Jacob Lebright, in the hope that the Government would devise some means of giving protection and encouragement to foreigners who settled in this country. The petitioner stated, that upon the ground of his being an alien, he had been struck out of the list of electors for the borough of Brighton, although he had been an inhabitant householder for twenty-three years, and had paid rates and taxes during that period; that during the late war he served under Sir Ralph Abercromby and the Duke of Wellington, and was twice severely wounded, and that, after a long and faithful service, he retired from the army, in the expectation of enjoying the rights of a British subject, but that he now found himself deprived of the elective franchise, which had been conferred upon him by the Reform Bill, on the ground of his being a foreigner. He also stated, that he felt deeply mortified, that while he acted as a special constable, and was called upon to pay all rates and taxes, that he should be prohibited from giving a vote for a Member of Parliament, and prayed the House to take into consideration the law on this subject, in order that he might no longer be excluded from enjoying the elective franchise. The hon. and gallant Member then stated, that the disqualification of foreigners rested on the common law of the country, and not on any statutory enactment, and that law principally related to the disqualification of aliens sitting in that House or in the Council. There was only one resolution, that of 1698, declaratory of such disqualification, and it stated that an alien, not being naturalized, had no right to vote for the election of Members to serve in Parliament. Very shortly after that, it was shown that a Scotch Member was not qualified to sit in the House, for Mr. Stewart was objected to as a Scotchman, and as not being a natural born subject, and his election was declared void. But since that time no enactment could be found which prevented an alien voting for a Member of Parliament; on the contrary, there were various enactments from the time of Queen Anne down to George 3rd, which showed that every encouragement was given to foreign Protestants to settle in this country. The petitioner was a staunch Protestant. He had paid all rates and taxes, and by the statute of 5th Anne he ought to be considered as a natural born subject of the realm. By the 28th of George 3rd a great latitude was shown to foreigners, for it was enacted that any foreigner trading for five years in the whale fishery, was considered a natural born British subject. He thought the Government ought to give greater facility for the processes of denization or naturalization. In the present instance he stood forward on behalf of our old soldier, and a man could not obtain a Naturalization Bill without incurring great expense. The process of denization was tedious, difficult, and expensive, and a great many persons would be glad to become British subjects, if the process was more simple. In the process of denization an affidavit was required from a certain number of householders of the residence of the party; the Secretary of State took the case into consideration, and if the alien were fortunate in his application, he had to pay 140*l.* He understood that a number of persons might be included in one patent, and so far the expense would be diminished. If seven people applied, they would have to pay 224*l.*, and the cost to each person would then be 32*l.* He found, that on one occasion, in 1795, sixteen persons, had been bundled into one patent of denization, and the expense to each of them was 22*l.* That was the old German band of George 3rd, and the great drum and all were bundled into one patent. But since that time, he could not find that more than seven had been introduced into one patent. He believed that when the subject was fairly brought before the Government, they would find the means of remedying the evil. He hoped that no advantage would be taken from his not having gone further into details. He had on one or two occasions been thrown overboard because he had not properly gone into the case. But this was one that would speak for itself, and therefore he hoped there would be no opposition to the motion he made, which was to facilitate the object of the Reform Bill. In conclusion, he would simply move for a return of all fees and expenses charged on letters patent of denization, and also for a return of the greatest number of persons included in one patent.

Mr. *Mackinnon* seconded the motion. He thought in doing so, he should be like a small tender following in the wake of a line of battle ship. He did so, because he hoped it would clear up a point, not generally understood in the country, with regard to the franchise under the Reform Bill; and he wished to ask the Law Officers of the Crown, how the law stood on this point. In the first place, he was not aware that there was anything in the Reform Bill which stated a foreigner should not have a vote for a borough. He believed there was nothing in that bill which said that an individual, who occupied a tenement of 10*l.* a-year, and paid rates and taxes, should not have a vote for Members to serve in Parliament. That was the first point he wished to have cleared up by the hon. and learned Gentleman opposite. The next question he wished to ask was, whether in the case of an individual who was placed on the list by the Churchwarden, and who was objected to before the revising barrister, on the ground of his being a foreigner, the *onus probandi* did not lie on the person making the objection. He believed, that the hon. and gallant Member rested his argument on this, that by the 7th Anne, c. 5, all individuals, Protestant foreigners in this country, if they took the oaths and the sacrament, were natural born subjects. His hon. Friend had urged, that individuals who had served in the army should have the same privileges as natural born subjects; and, as he confessed he was not very well informed on the subject, he requested the hon. and learned Gentleman opposite would be good enough to give him his ideas on the subject without a fee.

The *Attorney-General* would feel much pleasure in giving the best answer he could to the several questions that had been put to him. In the first place, it had been asked what alteration had been made by the Reform Bill respecting the rights of aliens? He answered—none at all. The law, in their case, had always remained the same, and an alien had no right to vote any more than to have a seat in Parliament. The next question was, on whom did the *onus probandi* lie, supposing an objection had been made after the overseer had returned the party as duly qualified, and having paid his rates and taxes? Most clearly the objector was the person upon whom the onus rested. It was to be presumed, that a person so returned was a

British born subject, until the contrary was proved. The third question administered to him was, if his being placed on the registry was conclusive, and whether the returning officer could in such a case refuse his vote? Most unquestionably not. If the objection had been taken before the revising barrister, it might have been good; but unless a petition was presented against the return, he doubted whether any authority, except that of a Committee of the House of Commons, could entertain the objection and strike him off the poll. With respect to the returns moved for by the hon. and gallant Member, he had not the slightest objection; let these returns be produced, and if the fees were found too exorbitant, let them then be reduced. With respect to Mr. Lebright, it was admitted that he was an alien, and in his case, therefore, the revising barrister had done what was right. Mr. Lebright had voted when he was not in possession of the franchise; and if the hon. and gallant Gentleman had his vote, it ought to have been struck off his poll. He (the Attorney-General), should rejoice to see those persons who had, for a number of years, loyally and faithfully served her Majesty, intrusted with the franchise. But he certainly, for one, would not go the length of the hon. and gallant Member, in proposing that a residence of six months after landing upon these shores, should entitle them to the franchise. Such a proceeding would be found to be highly prejudicial, and would lead to the discussions of national questions of great intricacy and inconvenience; and on these grounds he should certainly oppose it.

Mr. *Pryme* hoped the hon. and learned Gentleman would at least be willing to extend the rights of citizenship to those foreigners who, after residing a certain time in that country, had taken the oaths of allegiance.

Captain *Pechell* replied. He denied that he had proposed, or wished to introduce, so sweeping a measure as had been asserted by the hon. and learned Gentleman. The object he had in view, was to lessen the expense of denization; but he certainly had no intention of submitting such a proposition as the hon. and learned Gentleman alluded to, to the House.

Motion agreed to.

LAW OF COSTS.] Sir *F. Pollock* then rose to move for leave to bring in a bill to amend the law relating to double and treble Costs, and relating to pleading the General Issue only in certain cases. The learned Gentleman was understood to say, that the present state of the law in these respects was productive of much inconvenience and injustice. No road-bill, or dock-bill, or railway-bill now passed without a clause giving double and treble costs, though he could not understand why such parties were to be so protected. He proposed, in the first place, with reference to all local and general bills, to abolish double and treble costs altogether. He proposed that, where a provision now existed that a public officer was to recover double or treble costs, he should receive a full and complete indemnity, but without having unreasonable costs. He remembered a case in which a man brought an action for an infringement of the Building Act. The question was referred to arbitration. The award was, that the defendant had intended to comply with the Act, and that, therefore, his intention should protect him from the liability of his conduct. In this case, the plaintiff suffered from the defendant in the first instance—he got no redress—and because he did not, he was called upon to pay treble costs. As for pleading the general issue, he would take away all such privilege from private speculators, and all under Government protection—such as magistrates, constables, excise-officers, and the like. He also proposed to repeal those enactments which now obliged parties to give notice of action There were not less than 700 or 800 Acts of Parliament relating to this subject. He would take away the obligation of giving notice of action, except for public officers entitled to public protection; and he did not see why the advantage of having notice of action should not be taken away from Dock and Railway Companies, and from mere private individuals. Great hardships were sometimes suffered under this provision of giving notice of action. A short time since, a man brought a case of injury against a Railroad Company, and proved his case, but he was turned out because he had not given notice of action. The several limitations of actions he would reduce from six to three years.

Leave given.

WESTMINSTER THEATRES.] Mr. *Thomas Duncombe* rose to move "that it is the opinion of the House, that during

Lent no greater restrictions should be placed upon theatrical entertainments within the City of Westminster, than are placed upon the like amusements at the same period in every other part of the metropolis." In bringing forward this motion he was actuated by loyal as well as patriotic and humane and just considerations. He did not wish to see her Majesty blockaded from going to the theatre of Westminster during Lent. He would not have troubled the House with this motion if he did not feel that it was based upon principles of equal justice as well as of common sense. He felt, that the fault of bringing forward this motion did not rest with him, but with the right hon. the Secretary of State for the Home Department, who, when this subject was introduced the other night, would not condescend to give the House the slightest reason for refusing the motion. If there were any apologies to be made on this ground, he (Mr. Duncombe) would not occupy the time of the House in making it, but leave it to the noble Lord to apologise. Then the noble Lord was upon that occasion supported by a large majority, but many of those who then supported the noble Lord did so, thinking that the motion was irregular in point of time, and in point of form—irregular in point of time, because it was supposed inconvenient that upon a petition being presented a motion should be made without previous notice; and in point of form, because it was deemed, that as the noble Lord had advised the Lord Chamberlain, who issued the restrictive order, and who was connected with the Court of Westminster, it might seem discourteous, as making her Majesty a party in the dispute. However, these reasons were no arguments why they should not support the present motion which was brought forward in an entirely different manner. Would the noble Lord tell him why the inhabitants and players of Westminster should be placed under a severe periodical restriction, merely because it was an old custom, which said, "it shall be so." He trusted, that hon. Members would relieve a large body of respectable and meritorious individuals from those restrictions. Whatever might be the political and religious feelings out of the House, justice ought to induce them to do so here. It was really most cruel and absurd, that while in every other part of the metropolis the inhabitants were amusing themselves on Wednesdays and Fridays in Lent, on the north-side of Oxford-street, and the other side of the water, and while court dinners, and parties, and balls, and levees, at which her Majesty received her loyal subjects, were taking place in Westminster, it was most absurd and cruel that an interdict should be issued, forbidding the most harmless entertainments, not only to the inhabitants of Westminster at large, but taking employment, which was still worse, from that unhappy class of men, called players and operatives at the theatres. This restriction deprived those persons of one-third of their incomes. Hon. Gentlemen stated on a former occasion, that when those individuals made their engagements, they did so with a full knowlede of what awaited them. The performers did not complain of this, they only complained, that they had no engagements upon those nights. Their salaries were weekly, but they were paid only for the nights on which they played. Were they permitted the same privileges enjoyed by performers elsewhere, they would be paid for six nights instead of four, and would thus enjoy, that one-third of the income which was now stopped by this unjust prohibition. He would appeal to her Majesty's Ministers, the great performers of polital dramas of the day; he would ask them how would they like to have one-third of their weekly salary stopped, because there was no House? He did not see why, if Mr. Rice, of Downing-street, was permitted to receive his salary on the Wednesdays and Fridays in Lent, Mr. Rice, of the Adelphi, should be deprived of his. He would refer to the *Morning Post*, the organ of the fashionable world, for an account of what had taken place on a Wednesday in Lent, within the City of Westminster, in the jurisdiction of the very Lord Chamberlain who had decided, that on that day in the City of Westminster nobody had any right whatever to enjoy themselves. In the first place, he found, that on that day there had been a great dinner at the Freemasons' Tavern, of the members of the Drury-lane Theatrical Fund. He might as well state that this dinner was in general a performance of broad farce, with a mixture of musical entertainments. He found it stated in the *Morning Post*, that his Royal Highness the Duke of Cambridge was in the chair; that the party was a very large one, and the whole was kept up with great convivialty. That in the course of the evening a variety of songs were sung, and that afterwards Mr. Rice, it was not stated, that he was Chancellor of the Exchequer, Mr. Rice, the real Jim Crow, sang, "Sitch a gettin' up stairs," and "Jim Crow," with several new verses, and that after the illustrious chairman had quitted the chair, Mr. Rice was voted into it by acclamation, and kept up the conviviality of the after part of the evening. He had then looked to see if any other persons were enjoying themselves in the City of Westminster, under the jurisdiction of the Lord Chamberlain; he had looked for the purpose of discovering who had given parties during this time of penance, and he found that her Majesty had entertained a large party at the royal palace, and that the band of the Life Guards had been in attendance, and performed several pieces of music—and who, of all persons, did the House imagine stood first upon the list of the distinguished individuals who had been entertained by her Majesty upon that occasion—why, the Marquess of Conyngham, the Lord Chamberlain, the "Arbiter Elegantiarum" of the City of Westminster. Far be it from him to suppose, that the Lord Chamberlain did not represent to her Majesty, while the band of Life Guards were playing, that this was a time for penance, and that her Majesty must be, of course, aware, that it was his duty to prevent any one enjoying themselves in the City of Westminster. He then thought he would see how the Cabinet Ministers observed the Wednesdays in Lent, and he found that the Marquess of Lansdowne gave a large dinner party—he went still further, and having a great wish to see how the dignitaries of the Church occupied themselves on these occasions—he had again referred to the *Morning Post*, and he there found, that yesterday being a Wednesday in Lent, the Bishop of Llandaff had given an elegant dinner party—at the deanery of St. Paul's, to a large party of gentlemen connected with the diocese of London. When he found that these were the occupations of her Majesty, of the Ministry, and of the Church during this season, which the Lord Chamberlain said should be devoted exclusively to prayer, penitence, and piety, he must say he could not understand upon what ground his motion was to be opposed. The people of the City of Westminster did not grudge her Majesty the use of the band of the Life Guards, for which they paid; they only asked to be permitted to pay for their own band, and listen to it in the boxes of Drury-lane or Covent-garden. He knew not on what grounds his motion could be opposed, and yet he understood it was the intention of her Majesty's Government to oppose it. There was no law on the subject; it was dependent upon the caprice of the Lord Chamberlain. Sir James Scarlett had said, that he did not know of the existence of any law on this subject, and that this prohibition was merely an old custom. The only law that could be at all imagined to grant this authority was the 10th Geo. 2nd, which enacted, that every acting drama should, before its performance, be submitted to the Lord Chamberlain, for his approval, and that no piece should be performed without his licence, and that it should be in his power to prohibit the performance of any piece even after it had been licensed, and thus the House would see that it was impossible that any piece could be produced of a seditious, blasphemous, or objectionable nature, and many pieces, after having passed the ordeal of the Lord Chamberlain, had been hissed off by the good sense of the audience. The Lord Chamberlain made this a ground for assuming the power to prohibit these performances during Lent; but it was clear, that this prohibition was only issued to please those who like the observance of old customs. He could not see, however, why this old custom should not be abandoned, or why many other examples of old Lenten customs should not be revived, as they were customs quite as respectable as this which it had been thought proper to keep up. There was an old Lenten custom which existed up to the time of Geo. 2nd, worthy of revival if this were to be retained. Up to that period, there was an officer of the King's palace denominated the King's cock-crower. It was the duty of this officer to perambulate the palace during Lent, and crow the hours of the night, which at other times were proclaimed by the watchmen. The then Prince of Wales, afterwards George 2nd, happening to be entering his apartment for supper one evening, met the King's cock-crower, who crowed the hour to him, and as he did not understand his language, and was unable to comprehend his interpreter's interpretation, he thought the King's cock-crower intended to insult him by crowing; he accordingly seized the unfortunate crower by the throat, and nearly strangled him, in consequence of which he was so ill as to be for some time incapable of performing the duties of his office. After this occurrence the matter was submitted to the grave consideration of the court, and it was determined, that the office should be abolished. Now, if this old Lenten custom of shutting up the theatres were to be continued, he did not see why the other old Lenten custom of King's cock-crower should not be revived. In other countries the National Drama received national support. In France the national theatres were supported out of the national purse. In France the national theatres were rent free—he asked for nothing of this sort in this country. He believed, that the theatres paid 3,000*l.* a-year ground rent to the Duke of Bedford, who made no deduction for the nights on which the houses were shut up. He only asked, that they should be put on an equality with other parts of the metropolis, and he could not understand the ground upon which his motion could be opposed. He wonld therefore move his resolution.

Mr. *Hume* seconded the motion. He thought it most unjust, that those in power should maintain such restrictions on the poor, which they in their own persons disregarded. And he trusted the noble Lord would see the justice of doing away with these restrictions, while the court and the nobility were constantly acting in contradiction to them.

Lord *J. Russell* observed, that the hon. gentleman the Member for Finsbury had found fault with him for not having addressed reasons and arguments to the House when he last brought forward this question; and it appeared that it was to that silence on his part that they owed the very amusing and facetious speech in which the hon. Gentleman had again introduced the subject to their attention. He confessed that, notwithstanding the amusement thence derived, it was rather to spare the House a discussion of the kind that he (Lord J. Russell) did not enter into arguments upon the subject when it was last before the House; because, although the subject might be made as amusing as any other, he did not think, that a question which affected the established religion of the country was a fit one to be discussed as a matter of entertainment. He found that that observation did not meet with the approbation of some gentlemen, whose views he supposed coincided with those of the hon. Member for Finsbury. All he could say was, that since the last discussion he had taken the opportunity of consulting the Bishop of London upon the subject in the presence of another distinguished prelate; and that the Bishop of London stated, that he considered that out of respect to the established religion of the country, these theatrical performances should not be allowed in the city of Westminster on Wednesdays and Fridays in Lent, and that it would be considered a want of respect to the Established Church and Established Religion, if Government should advise her Majesty to change the custom which had hitherto been observed in this matter. For his own part, he must say, that upon a subject of this kind he thought it behoved the advisers of her Majesty—placed in the situation which she was with regard to the Church—rather to refer to what was the opinion of the heads of the Church, and to what had been the custom from time immemorial, than to go over the river to Surrey, or across Oxford-street to Marylebone, and finding the theatres open in those places, to declare, that they should also be open in Westminster. First of all let him advert to what was the law upon the subject, and the cause of the practice upon which the hon. Gentleman apparently founded the whole of his motion—that the custom of closing the theatres in Westminster was different to anything that existed in any other part of the metropolis. By the 10th Geo. 2nd, as the hon. Gentleman had stated, a power was given to the Lord Chamberlain with respect to theatrical entertainments. He would not then enter into a consideration of the nature or limits of that power. It was enough for his purpose to state, that it was a power that had been constantly exercised from the first moment that it was given; and previous to that time, he believed, that theatrical entertainments never took place in the city of Westminster on Wednesdays and Fridays in Lent. By another act it was provided, that the Lord Chamberlain should not have power to license any other theatre than those in Westminster within twenty miles of London. Therefore, the theatres to which the hon. Gentleman had referred as existing in Surrey and in other parts of the metropolis not comprised in the city of Westminster—although they had performances on Wednesdays and Fridays in Lent—were every day liable to penalties, as not being legally established. A further illustration of the point he was now urging was to be found in the decision of Lord Denman, in an action with respect to the Victoria theatre between the manager and the lessee, in which proof being given that the theatre was not, and could not, be licensed by the Lord Chamberlain, the noble and learned judge at once stopped the case and declared that it was unnecessary to go into any further evidence. The Victoria and other minor theatres might be licensed by the magistrates for music and dancing, but there was no authority by which they could be licensed for theatrical performances. Such was the law upon the subject as laid down by Lord Denman; therefore, the only ground upon which these theatres existed at all was, that no notice was taken of their violation of the law. Under these circumstances, when the question was raised as to whether the Lord Chamberlain should enforce his power or not, it was, he thought, a little too much to say that no regard should be paid to the custom of centuries—that no decent respect should be manifested to the established religion of the country, but that seeing an illegal practice spring up in other parts of the metropolis, the same illegal practice should at once be extended to Westminster. This, then, was the law of the case—that those theatres which were acting beyond the bounds of the cities of Westminster and London were acting without any licence from the Lord Chamberlain, and without the sanction of the law. This was clearly laid down by Lord Denman in the case to which he had referred. With respect to the new minor theatres in the city of Westminster, the Lord Chamberlain, in order to make them conform with the rule laid down in reference to Drury-lane and Covent-garden, specifically required in their licence that there should be no performance on Wednesdays and Fridays in Lent. Therefore they could not complain of any injustice, because those were the terms upon which they took their licences. It was the same with Covent-garden and Drury-lane. They could have no ground of complaint, because the terms upon which they obtained their licences were perfectly well known to them, being, in fact, the same as they had always been in times past. With respect to the practise of closing the theatres on Wednesdays and Fridays, the hon. Member for Kilkenny said there was great hypocrisy in it; and the hon. Member for Finsbury contended that because her Majesty gave a dinner on Wednesday, therefore the theatres were to be open on Wednesday. Surely if the House were to agree to that proposition, the same argument might be applied to Sunday, because it would not be difficult for the hon. Gentleman to find from the newspapers that dinners were given by persons of distinction in various parts of the town on that day. If the hon. Gentleman's argument were good in the one case it would be equally good in the other; if theatrical performances were to be allowed on Wednesdays, because there were dinners on Wednesdays, therefore there ought to be theatrical performances on Sunday, because there were dinners on Sunday. He could only say that he thought the Lord Chamberlain, being an officer under the Crown, and having to act in the name of her Majesty upon this subject, could do nothing better than attend to what had been at all times the custom, and which the heads of the Church considered as a decent and respectful regard to the established religion of the country. For his own part he thought that the practice ought to be continued. Instead of saying, that Westminster should in this respect be made conformable to the rest of the town, he thought the House ought to say that the rest of the town should be made to conform with the practice in Westminster. He certainly objected to their entering into any resolution upon the subject. He decidedly objected to their declaring by a resolution of that House what was the manner in which the power vested in the Crown should be exercised. If the House were to entertain the question at all, it would be better that it should be in the shape of a motion similar to that proposed by the hon. Gentleman the other night, namely, an address to the Crown, desiring the Crown, on the part of the House, not to exercise a power which it deemed objectionable. But to pass a resolution of this kind giving a sanction to the irregular and illegal practice of other parts of the metropolis, and discountenancing that which from time immemorial had been observed in the city of Westminster, was to take a step the intention of which he really did not understand. If it were adopted, was it to be said, that because the House of Commons—because one branch of the legislature had passed a resolution, therefore the Lord Chamberlain was to change a practice which had existed beyond the memory of man? It might happen that some noble Lord or some right rev. Prelate might move a resolution of a directly opposite nature in the House of Lords. Between these adverse resolutions how was the Lord Chamberlain to act? He would have no alternative but to act as he did at present, upon his own discretion. Therefore he should not consider that a resolution of the kind now proposed would carry with it sufficient weight to change the established practice which had hitherto existed upon the subject. He certainly thought it would be far better to make the practice uniform throughout the whole of the metropolis. A change in the law was no doubt required. But to say that there should be theatrical entertainments in Westminster on Wednesdays and Fridays because there were dinners in Westminster on those days, might be a very palatable and very profitable proposition for all the occupiers of play-houses in Westminster—might be introduced to the House in a very amusing and entertaining speech; but at the same time he really could not see why the Lord Chamberlain should be desired by that House to change the established practice. Having offered these observations to the House, he should conclude by moving the previous question.

Lord *Teignmouth*, did not think it necessary to trouble the House with more than one or two observations, after the very able and satisfactory speech of the noble Lord—a speech which he ventured to say was in accordance with the feelings of the majority of that House, and of all the good sense of the country. He would only ask the hon. Member for Finsbury one question—whether he would put a dinner, given by the Bishop in fulfilment of that mandate, which ordered that he should exercise the rights of hospitality [*laughter*] — Hon. Gentlemen might laugh, but he would repeat the question —whether the hon. Member would put such a duty on the part of a bishop in comparison with theatrical entertainments, which, though they might be made, under proper conduct, to contribute to the morality of the country, were, unfortunately, inseparably connected with evils which it was impossible sufficiently to condemn. However excellent the character of the performances—however pure the nature of the entertainment—it was but too well known that the theatres were thronged not alone with respectable people, but with prostitutes and persons of the worst and vilest descriptions. He had only one other remark to offer. He was sure that if the hon. Member for Finsbury had had the good fortune like himself, frequently to partake of the hospitality of the Bishop of Llandaff, he would see, that the dinners of that right rev. prelate were conducted in a way which afforded no parallel to the entertainments of a theatre.

Mr. *Leader* observed, that the noble Lord (Lord John Russell), had treated the motion of his hon. Friend the Member for Finsbury, as if it related only to a matter of merriment. Much as he (Mr. Leader) had been entertained and amused by the very admirable speech of his hon. Friend, he begged the House to remember that the question they were arguing was not merely a matter of amusement, but a question which affected the livelihood and subsistence of several hundred industrious and deserving people. It was a question which did not so much affect the great actors as the mechanics and operatives attached to the theatres, whose pay depended upon the nights of performance. The great actors, "the stars," might go to other theatres, which were not shut up, or might go "starring" into the provinces where the people were not so very puritanical as to think it wicked or wrong to go to a theatre on Wednesdays or Fridays in Lent; but those who really suffered, the humble operatives belonging to the great theatres, had no opportunity of obtaining employment elsewhere on the days when the doors of these theatres were closed. He confessed he was astonished to hear the noble Lord speak of this motion as calculated to do mischief to the established church. He would not charge the noble Lord with hypocrisy, but he feared it would appear to the country very like hypocrisy to talk of the established religion being hurt by the opening of the theatres on Wednesdays and Fridays, when they know how those days were spent by persons in the very highest walks of life. When the noble Lord talked of applying the argument of the hon. Member for Finsbury to Sunday as well as to Wednesday and Friday, he begged to remind the noble Lord that there was no ground of comparison between those different days of the week. Sunday was regarded by the Protestant church as a day of religious observance and of rest from labour—Wednesday and Friday, if regarded at all in a religious point of view, were so regarded only by the Roman Catholic church. The noble Lord the Member for Marylebone (Lord Teignmouth) had taken the part of the noble Lord the Secretary for the Home Department; to be consistent, would the noble Lord bring in a bill to place the theatres of Marylebone under the same restraint as the theatres of Westminster? He trusted that the majority of the House would take what he really believed to be the common-sense view of the question—that they would not be influenced by the official authority of the noble Lord, nor biassed by the overstrained religious zeal of other persons in the House; but that they would resolutely avail themselves of the opportunity of discountenancing a practice which he thought more calculated to injure the established religion than to do it good.

Viscount *Dungannon* had observed with satisfaction the somewhat extraordinary profession of regard made by the noble Lord (Lord J. Russell) to the established church. He only hoped that all the acts of which the noble Lord might be the promoter during this or any ensuing Session of Parliament, might prove the truth and sincerity of his professions. The noble Lord had certainly expressed himself in strong terms that evening in favour of the Established Church, and he was not sorry to hear him speak in such a strain. Although he believed there was no one in that House who more strongly adhered to the cause of the Established Church than he (Viscount Dungannon) did, and always should do; yet he had ever been opposed to the measures that had been introduced for the better observance of the Sabbath, because he considered it unjust to have one law for the rich and another for the poor. He believed, that the people of this country were disposed by habit and education to be religious, and he would not attempt to render them more so by oppressive legislation. Therefore, although it very seldom happened, that he was found voting in the ranks of the hon. Gentlemen on the Ministerial side of the House, and as little as any one with the hon. Member for Finsbury, he could not but feel, that upon the present occasion it was an absolute and gross absurdity to maintain the necessity of closing the theatres in the precincts of Westminster on Wednesdays and Fridays during Lent. whilst the theatres on the other side of Oxford-street. and on the opposite side of the river in Surrey, were open and free to all classes. It was obvious and clear, that if it were an evil to be put down at all, it should be put an end to *in toto*, and he thought with the hon. Member for Westminster (Mr. Leader) that if his noble Friend, the Member for Marylebone (Lord Teignmouth) perceived so much evil, so much immorality, so great an insult upon the established religion in the opening of the theatres in Marylebone on Wednesdays and Fridays during Lent, he ought to introduce a bill to close them on those days. He was one of those who had always thought, and should always continue to think, that it was most absurd to say, that religion was advanced by the people being kept away from amusements of a rational nature, whilst richer and more influential persons were permitted to enjoy whatever amusement they pleased, be its nature what it might. Such a proposition was at once absurd and unjust. He should think, that the attachment of the people to the religious institutions of this country had indeed arrived at a bad pass when, for the sake of keeping up observauces, it should be found necessary to close the theatres on one side of a street, whilst on the other they were left open to all. If the evil were as great and extensive as was asserted by some hon. Gentlemen, let them put an end to it altogether, and say, "We will religiously observe Wednesdays and Fridays in Lent by closing all places of public entertainment on those days;" but let them not make—he would not merely say the invidious but the absurd and ridiculous distinction of saying, that the theatres in one part of the town should be closed, whilst in all other parts they should be allowed to be open. He could not be charged with any dereliction of duty, or any abandonment of previously expressed opinions, by declaring his intention to support the motion of the hon. Member for Finsbury. He did so upon principles of common justice; and because, having ever, to the utmost of his power, upheld the cause of true and pure religion, he was naturally the more strongly opposed to that which assumed nothing more than the outward form and semblance of religion, and which in itself he considered to be absurd in the highest degree.

Sir *J. Graham* feared, that the time had come when any humble support which he could give to the noble Lord would rather be an impediment than an assistance to him; but still upon this occasion, when he had seen the noble Lord, in the bold and fearless discharge of his duty assume a ground which was unpopular, and manfully maintain it, he (Sir J. Graham) should be base indeed—having once taken counsel with him on this question, and having fully concurred, when he did so take counsel, in the decision which the noble Lord then adopted, and which he had this night maintained—if he shrunk from asserting now what he on a former occasion asserted, that he entirely agreed with the noble Lord, and was prepared to take the same ground which the noble Lord had taken. He did not mean to say, that it was necessary for the maintenance of the Established Church, that there should be, on Wednesdays and Fridays in Lent, observances of this description, but he contended, that as long as by the regulations of the Established Church and the law of the land, those days were to be set apart for sacred purposes, it was the duty of her Majesty's servants to maintain those regulations and that law. That was the single proposition for which he contended. The theatres within the city of Westminster were, as the law now stood, the only theatres which were under the control of her Majesty's Chamberlain. He might be wrong, but he always understood and was still disposed to believe, that those were the only theatres under the control of the Lord Chamberlain. If it was right that according to the observances of the Established Church, it was inexpedient that these days so set apart should be held to extend beyond a certain distance from Westminster, still, as far as the law went, it was the duty of the Lord Chamberlain to enforce these regulations. The Lord Chamberlain not exercising any control over theatres beyond that distance, could not, of course, enforce those regulations with respect to them. He would certainly contend, when the heads of the Church represented to her Majesty's Government, that it was proper, that this respect due to the established religion, so far as her Majesty's authority extended, should be observed, it was the duty of her Majesty's servants to exercise their control over the Lord Chamberlain, with a view to the enforcement of that observance. He did not wish to put the question upon any higher ground. Agreeing as he did with the noble Lord, not only now, but when he was a servant of his late Majesty, in common with the noble Lord, and seeing the noble Lord pressed as he was on this occasion, he certainly felt bound, as an old colleague and as a gentleman, to give the noble Lord on this occasion his support.

Mr. *Ward* said, the right hon. Baronet had laid down a broad principle. He stated, that it was his conviction, that the two days set apart by the ritual of the Church ought to be observed in Lent, and expressed in strong terms his approbation of the conduct of the noble Secretary for the Home Department in enforcing the observance of those days. Now would the right hon. Baronet permit him (Mr. Ward) to ask him whether he was not to-morrow going to preside at a great public dinner? On a Friday, be it observed, and that in Lent. [Sir *James Graham:* It is a dinner connected with charity.] A charity dinner! Why, it was a dinner where there would be as much drinking, eating, and hilarity, and of as convivial a character as ever took place at any public dinner. That was the manner in which this great moralist was to observe the sacredness of a Friday in Lent. It would, he thought, be allowed, that those who should go on that day to the theatres in the city of Westminster would enjoy quite as rational, quite as civilized, and quite as moral an entertainment as the right hon. Baronet at his charity dinner. It was useless to disguise from themselves, that from all these concurring causes—however the subject might be met in that House, they should stand convicted before the public of what a noble Lord opposite had most properly called gross hypocrisy. There was not one law in this country for Bishops and another for the people; and although the noble Lord the Member for Marylebone (Lord Teignmouth) seemed to think there was a difference between the dinners of Bishops and other men given on Wednesdays and Fridays in Lent, yet he could assure the noble Lord there was no such difference. There was not one law for a Bishop and another for a Member of that House. There was not one law for the Queen and another for her subjects upon a question of morality. One pure and great principle should be laid down, which ought to bind every Christian man to the observance of the rites of his Church. They must act in this matter upon some one principle. Those who thought, like the noble Lord the Secretary of State for the Home Department, were bound, in conviction with the heads of the Church, to bring in a bill for establishing new forms for the due and strict observance of every day in Lent, and that law ought to be supported by every one who thought that the non-observance of Wednesdays and Fridays incurred great danger to the Established Church. He would, however, entreat the House to reflect well before they came to a vote this evening. Certainly there appeared to him no feasible ground on which they could oppose the motion of his hon. Friend, unless they were prepared to carry the principle into action which had been advocated to-night, and enforce the observance of the whole season of Lent throughout the land.

Lord *John Russell,* said, that after what had fallen from the hon. Gentleman, he was induced to trouble the House again for one moment. The hon. Gentleman had said that he (Lord John Russell) was bound to bring in a bill to make the observance of Lent more strict than it was now. He (Lord John Russell) had already stated that if it were thought advisable by Parliament to make a change in the law, he for his part, should have no objection to do so. But that while the law continued to be what it was at present, he felt bound to advise the Lord Chamberlain, who was one of the Queen's servants, he (Lord John Russell) being also one of them himself, to act in conformity with that law.

Mr. *Warburton* said, that as the noble Lord had said the Lord Chamberlain was bound by law to enforce the observance of these days, the noble Lord ought to show, that if the Lord Chamberlain were to issue an order to the theatres, that they might perform on Wednesdays and Fridays he would be doing an illegal act. It was not what an Archbishop or Bishop might say that constituted law. Without any statement from a Bishop or an Archbishop they knew very well that which the noble Lord had already told them, that it was an old custom. It was an old custom, they all admitted: and all that the noble Lord had said in defence of continuing this practice was, that a Bishop and Archbishop had told him that they were against a change, and in favour of the custom. That was the whole substance of what had fallen from the noble Lord; and upon that it was, that the House were advised not to act and legislate in accordance with that which was the great regulator in all free countries, public opinion. The noble Lord and the Queen's Government had set themselves up against public opinion, and he doubted not that ere long they would be defeated. He hoped there would be a majority in favour of the motion this night, and then they would see whether the Queen's Government and the Lord Chamberlain would venture to set themselves up against a majority of the House of Commons. Those who supported the present motion knew that they were supported by the public voice out of doors; because it was notorious that in every public place, except within the precincts of Westminster, Wednesdays and Fridays in Lent were observed just the same as in any other week. And whether it pleased an Archbishop or a Bishop to tell them that they ought to be observed, or not, more holily than any other day in the week, public opinion in this Protestant country had declared against it, and had said that they would observe Wednesdays and Fridays in Lent just as well as, and no better than, any other day. Therefore they would leave this old custom, together with the Bishops and Archbishops, in the keeping of the noble Lord, while his hon. Friend and those who supported him appealed to public opinion; and he doubted not that, in making that appeal, they would gain the victory.

The *Chancellor of the Exchequer* denied altogether the applicability of the principle on which the hon. Gentleman had rested his argument. Nothing was easier in that House than for any one to say, that public opinion was to decide the question, and thus to declare, that he himself was the oracle of public opinion. He would recal to the recollection of the hon. Gentleman a matter not of very remote occurrence, to which the hon. Gentleman himself was not indifferent, and concerning which he and certain hon. Members took upon themselves to announce dogmatically that they were the expositors of public opinion. It was upon a question of much more interest to the country than whether Wednesdays and Fridays in Lent ought to be observed by the theatres or not; he alluded to the question of the transmission of letters through the city of London on the Sunday. The hon. Gentleman, and those who acted with him, took upon them, in reference to that question, to declare, that their opinions would be sanctioned by the public voice. The fact turned out otherwise, and public opinion had declared against them. If hon. Gentlemen did not like his illustration, he would not press it further; but were the Gentlemen who disliked an appeal to facts true organs of public opinion. His hon. Friend, the Member for Finsbury, would, he was sure, listen to his argument, and deal fairly with him. In speaking, then, on the subject of public opinion they were not to take the assertion, however bold, of Gentlemen, that they were the only true oracles of public opinion. And if there was one subject, more than any other, which he must distrust the Member for Bridport it was, that if he took upon himself to pronounce a subject which touched directly or indirectly the religious feelings of the people. He would tell the hon. Member for Bridport arbitrarily, that the public were entirely on his side, and that it was a matter of indifference how the House dealt with the question, for public opinion would go with him in this change, and would finally prevail—if the hon. Gentleman said this, he, (the Chancellor of the Exchequer) would say, that he should require some stronger evidence of this than his mere assertion. He was anxious, however, not to be misunderstood; if there had existed previously no usage on this subject, he could have had no doubt on the subject for he would not entertain any scruples whatever of a religious nature upon it. That was his own individual opinion, but considering what was the established practice, and considering that the hon. Member for Finsbury was calling upon the House to interpose and alter that practice by a resolution, he felt bound to oppose the proposition; and if he knew anything of the state of public opinion, on which he had a right as an individual to pronounce his conviction, as well as the hon. Member for Bridport, he would say, that any interposition on the part of that House in a matter of this description would be liable to much misconstruction, would be held to be an act in derogation if not in opposition to the religious feelings of the country, and if the House were to adopt the motion of the hon. Member they would take a course in which public opinion would pronounce against them. Believing this, he was opposed to any such measure. He agreed with his noble Friend (Lord John Russell) that if any step were to be taken, the mode proposed was of all others the most inconvenient. If any measure were to be adopted at all, it ought to be in the shape of legislation. Let Parliament decide what the law ought to be, but let it not be done by resolution. His noble Friend had forcibly put the case of a supposed contradiction between the resolution of one House, and of the other, on this subject; he need not, therefore, repeat that argument. But was the House prepared to decide the question practically upon a resolution of this description? They must then be disposed to give the same power to a resolution which might be passed in the other House of Parliament? Let the House consider what the effect of this course might be. He had already alluded to the instance which had occurred with respect to the transmission of letters through London on a Sunday. Did not those Gentlemen who were eager for that change, know by experience, that with respect to the opinion of the English metropolis itself, they had been completely in error in the argument they maintained. [Mr. *Warburton*: That is not under discussion now.] No, it was not; but if hon. Gentlemen appealed to public opinion, in the abstract, he (the Chancellor of the Exchequer) was entitled to refer to facts that bore out his view of what public opinion really was, as contrasted with the public opinion enunciated by the hon. Gentleman. The hon. Gentleman said, that he was entitled to declaim and dogmatise on public opinion, but that on the contrary, he (the Chancellor of the Exchequer) was not entitled to give an illustration of it by outward and visible signs and undeniable facts. That might be justice, and good logic, according to the hon. Gentleman's views, but he did not subscribe to such doctrine, or to such a practice.

Mr. *D'Israeli* said the right hon. Gentleman wished apparently to get rid of the question by putting it into the two-penny post office, but he would assure the right hon. Gentleman there was no similarity between it and the delivery of letters on the Sunday. He would endeavour to recal the attention of the House to the proper bearing of the question. As he had been almost the only individual on his side of the House who had supported the hon. Member for Finsbury the other night, when he proposed a motion in relation to this subject, he would justify the vote he had then given. He hoped he had as profound a respect for the established religion of this country as the bishop of London. He was not sure, indeed, that he should have agreed to that method of spoliation which the bishop of London, and some other bishop, had advised, with respect to the canons of the cathedrals, if acting on his own view only. But when they were met on a question of this nature with an expression of vague sentiments on the part of a prelate of the church—that the Protestant religion would be endangered by a profanation of this character—that a resolution of this description was not respectful to the established religion of this country, and when the noble Secretary for the Home Department appealed to time immemorial, which appeared to him to be, according to the noble Lord's quotations, the very ancient time of George 2nd.—when the noble Lord and his supporters on this occasion came forward with such a high spirit, and animated by so lofty a tone, to carry the House away with them, he thought it might become them to have made some researches on this question—to come forward with something better than vague expressions of a feeling, an attachment to the church, and some antiquarian knowledge a little more recondite than that of the times of George 2nd. He should like to know at what time during the Protestant sway in this country, Lent had been rigidly and properly respected. He was not one who was prepared to say, that he approved of any relaxation of the rigid observance of Lent so far as Wednesdays and Fridays were concerned. He was not prepared to say, that it might not be just and expedient, and prudent, and religious, and proper, to observe it even for forty days. But then they must give him forty days of Lent as they had ever been observed, when they were perfectly observed. They must give him the forty days of Lent with the "mysteries," and with the "moralities," with those mysteries and with those moralities which were acted by the monks. That was the only mode in which morality had tolerated the religious observance of Lent, and such were the amusements to which the people had recourse. There was one consideration which ought to influence them in deciding upon this question. They should not forget that the birth of Protestantism and of the drama in England was almost simultaneous. The moment Protestantism had sway in England there was a great relaxation in the observance of Lent. Great outcries were raised about the rigid observance of that season, and in the reign of James 1st. petitions were presented "to that strictly Protestant Prince" praying for a relaxation of Lent except on Wednesdays and Fridays, because they were sermon days. He knew not if they were sermon days at present; at least it seemed that they exercised but little influence upon the people if they were. But it was also observable, that a company of players petitioned James 1st., requesting the patronage of the king, and he one of the first Protestant kings of the country; and the answer was this—the king said, "Let them act, but they must act only on Wednesdays and Fridays, lest they interfere with our players." That was a fair specimen of the tone regarding Lent, and with respect to the drama, in the early part of the Protestant era. Lent never had been observed strictly and completely in Protestant England. The mere observance of two days in the week had been a matter rather of convenience than of law and strict religious custom, and he must say, though he did not think it was a question in point, that the observance of Lent on Wednesdays and Fridays with respect to players, without an equal observance of our morals and manners in other respects, was but a shadow of religious custom and a shade of faith. He was rather surprised that the noble Lord, the Secretary for the Home Department, should have urged against this motion his fears of a collision with the House of Lords. As one who sat on the Opposition side of the House, animated as he was by Conservative feelings, he could not but congratulate his friends on the progress of Conservative opinions, because it was only a very few years back that it was said the Lords feared a collision with the Commons. See what effects a few years had produced! He was glad that this question had called forth from the noble Lord not only an expression of attachment to the Established Church, but of fear of a collision with the House of Lords. With these feelings he should vote for the motion of the hon, Member for Finsbury.

Mr. *T. Duncombe* replied, and observed that a question had been put to him by the noble Lord the Member for Marylebone (Lord Teignmouth), which, as far as he (Mr. Duncombe) understood it, was simply this, whether he would place a bishop's dinner on the same footing as a theatre full of prostitutes. He felt it would be insulting as well to the House as to the right rev. Prelate to whom allusion was made, if he were to condescend to give any answer to what he must call an impertinent question. The noble Lord was perfectly correct in stating that he (Mr. T. Duncombe) had not enjoyed the good fortune which the noble Lord himself had in being placed at the bishop's table, and, therefore, he (Mr. Duncombe) was quite unable to say what species of company the bishop kept. But he had very often enjoyed the good fortune to go to the theatre, and he must say, that although there might be some questionable characters in certain parts of it, yet the large majority of the audience was composed of the most respectable inhabitants of the town, in which he, of course, included the middle classes, who generally constituted the greatest number, though there often mixed with them members of the aristocracy, and he might venture to say families connected with the church itself. Therefore, if the question of the noble Lord was, whether a theatre so filled was to be considered on an equal footing with a bishop's dinner-party, his reply most distinctly would be, yes. And if he wanted an illustration of what was done on a Friday in Lent—one of those days when theatres in Westminster were not allowed to be opened—he would mention what had occurred at the Queen's Theatre, in Tottenham Street, on such a day, to which place the power of the Lord Chamberlain did not extend. There was on that occasion to be seen the consort of the illustrious Duke of Cambridge. Again, therefore, he would reply to the noble Lord's question, that the company at that theatre might be put upon a footing with the dinner-party of any right reverend prelate. His right hon. Friend, the Member for Pembroke, had said that the authority of the Lord Chamberlain was confined to the theatres within the city of Westminster. His right hon. Friend was wrong in that respect, for the theatres at Cork, Birmingham, Manchester, Brighton, and other places, were all royal Theatres, and all came under the jurisdiction of the Lord Chamberlain, and were equally subject to his power, if he chose to exercise it. But to show the capriciousness with which that power was used, he could mention it as a fact, that at the Brighton theatre, which was within a stones' throw of the palace, and during the time the court was there, and the Lord Chamberlain himself also—about a year or two ago, on an Ash-Wednrsday, the following pieces were performed:—*Charles the Twelfth, the Maid of Switzerland, and the Vampire*, Far was it from him to impute any impropriety or immorality to these proceedings, if persons thought proper to countenance them. In Westminster he found that at the Crown and Anchor Tavern, which was equally within the jurisdiction of the Lord Chamberlain, there were concerts *à la Valentino*, at one shilling admittance, and at which he understood there were present last evening 800 most respectable persons, who conducted themselves with a degree of propriety which was worthy of imitation even by the Members of that House. This was the kind of Entertainment which the national theatres wished to give on Wednesdays and Fridays during Lent; he meant a concert of instrumental music. The noble Lord (Lord J. Russell) had been complimented by the Right hon. Member for Pembroke on his manly speech. He could not concur in that compliment. He considered it a most unmanly speech; for he had thrown the responsibility off his own shoulders on those of the Bishop of London; and he had asked the right reverend prelate's opinion whether the performances on Wednesdays and Fridays during Lent would be detrimental to the established religion of the country. That right reverend prelate had no doubt answered that such entertainments would be a "heavy blow and a great discouragement to the Protestant interests." But he had yet to learn that Popery was the established religion of this country, and as this shutting up theatres on Wednesdays and Fridays during Lent was an old Popish custom, it appertained, perhaps to that property in Covent garden of which the noble Lord's family had despoiled the Romish church. The noble Lord said that if this resolution were carried he should not care for it; that he would, in fact, set the resolution of the House of Commons and public opinion at defiance. The noble Lord might do so if he pleased, but give him (Mr. Duncombe) the resolution, and the world would see whether a resolution of the House of Commons was so easily set aside. The right hon. Chancellor of the Exchequer had dealt very unfairly with his hon. Friend the Member for Bridport. He had tried to mix the delivery of letters on Sunday with this question, in order to set public opinion against it. The hon. Member for Bridport never made any such assertion as that imputed to him; and it only proved that her Majesty's ministers did attend to public opinion, because it was in consequence of the feeling of the public against such a desecration of the sabbath, that any alteration in the delivery of letters was obtained. However, her Majesty's ministers might treat public opinion as lightly as they thought proper, but he told them that they would at last have to give way, not to public opinion alone, but to public opinion converted, perhaps, into public indignation, which would sweep them from the benches on which they were now sitting. He hoped the House would support his proposition, and that "cant and hypocrisy," as expressed by the noble Lord (Lord Dungannon), would meet with a signal defeat.

The House divided:—Ayes 92; Noes 72: Majority 20.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Aiusworth, P.
Archbold, R.
Baines, E.
Beamish, F. B.
Berkeley, Hon. C.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Boldero, H. G.
Bramston, T. W.
Bridgeman, H.
Broadwood, H.
Brotherton, J.
Brown, R. D.
Bruce, Lord E.
Bryan, G.
Chalmers, P.
Chichester, J. P.
Codrington, Admiral
Collier, J.
Craig, W. G.
Currie, R.
Davies, Colonel
Dennistoun, J.
D'Eyncourt, Rt.Hn.C.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Easthope, J.
Ellice, E.
Evans, Sir De L.
Evans, G.
Fector, J. M.
Finch, F.
Fort, J.
Gibson, T. M.
Grattan, H.
Hall, Sir B.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodgson, F.
Hollond, R.
Howard, F. J.
Hume, J.
Hutt, W.
Hutton, R.
Jervis, J.
Jervis, S.
Johnson, General
Leader, J. T.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
O'Brien, C.
O'Brien, W. S.
O'Connell, M. J.
O'Connell, M.
Parrott, J.
Pattison, J.
Philips, M.
Polhill, F.
Redington, T. N.
Roche, E. B.
Roche, Sir D.
Salwey, Colonel
Scholefield, J.
Smyth, Sir G. H.
Standish, C.
Stansfield, W. R.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Vigors, N. A.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wilshere, W.

TELLERS.
Duncombe, T.
Dungannon, Viscount

List of the NOES.

Adare, Lord
Alsager, Captain
Archdall, M.
Barrington, Viscount
Blackstone, W. S.
Blair, J.
Broadley, H.
Bruges, W. H. L.
Burr, H.
Busfeild, W.
Byng, Right Hon. G.S.
Campbell, Sir J.
Canning, Rt.Hn.Sir S.
Cayley, E. S.
Cripps, J.
Darby G.
Duncombe, Hon. W.
Evans, W.
Filmer, Sir E.
Fitzalan, Lord
Fremantle, Sir T.
Freshfield, J. W.
Glynn, Sir S. R.
Gordon, R.
Graham, Rt.Hon.Sir J.
Heneage, G. W.
Hepburn, Sir T. B.
Hobhouse, rt.hn. Sir J.
Hodgson, R.
Howard, P. H.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Inglis, Sir R. H.
Lefevre, C. S.
Lockhart, A. M.
Mackenzie, T.
Mackenzie, W. F.
Marton, G.
Maule, Hon. F.
Maxwell, Hon. S. R.
Mildmay, P. St. J.
Miles, P. W. S.
Murray, Rt. Hon. J. A.
Packe, C. W.
Palmer, C. F.
Palmer, G.
Parker, J.
Parker, R. T.
Parnell, Rt.Hn. Sir H.
Pendarves, E. W. W.
Perceval, Colonel
Plumptre, J. P.
Protheroe, E.
Pusey, P.
Rice, Right Hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Stanley, Lord
Style, Sir C.
Teignmouth, Lord
Thomson, Rt.Hn.C.P.
Trench, Sir F.
Wood, T
Yates, J. A.

TELLERS.
Clerk, Sir G.
Steuart, R.

Resolution agreed to.

LIGHTING THE HOUSE.] Sir *F. Trench*, in rising to postpone his motion till this day, wished to ask the Chancellor of the Exchequer, whether any arrangement had been made with Mr. Bude for the fresh lighting of the House, without any consultation with the House.

The *Chancellor of the Exchequer* replied, that no other or different arrangement had been made now than when the gallant Member's own experiments on the lighting were in progress, except that as the former experiments had given rise to great expense, he had been very cautious, and had determined that no experiment should exceed a given sum. He had been asked whether, during the recess, a new and ingenious plan might be applied, with the view of seeing whether the House could be better lighted? He replied, that personally he had no objection, though he would be ready to carry out the decision of the House. During the recess, however, he saw no harm in the experiment beyond giving the gallant Member a little mortification at the possible result of experiments upon this subject.

Sir *F. Trench* said, that a new experiment could be suggested only because of the presumed failure of the plan already employed. He had heard, from persons engaged in different parts of the House, that his own plan had given satisfaction, and before it was condemned he must apply to the House to give it fair play, by restoring one-third of the number of lights which had been removed from the lustres, and by colouring the inside of the shades pale green. Before he sat down, he must warn the right hon. Gentleman, the Chancellor of the Exchequer, of the dangerous doctrine he had laid down, that because he had allowed one change, he was necessarily to permit another. He believed that in domestic life, as well as in public affairs, it was wrong to suffer a fresh change to be made because another had been allowed.

HOUSE OF LORDS,

Friday, March 1, 1839.

MINUTES.] Bills. Read a third time:—Borough Courts.
Petitions presented. By the Earl of RODEN, from Elphin, against any system of Education not founded on the Scriptures.—By the Duke of WELLINGTON, from several places in Yorkshire, against the Repeal of the Corn-laws. —By Lord ST. VINCENT, from Stowe, to the same effect. —By Lord FOLEY, from a number of places, for the Repeal of the Corn-laws.—By Viscount MELBOURNE, from Bradford, against any Alteration in the Beer-laws; also for Equalising the hours for keeping open Beer Houses,

MURDER OF MR. REYNOLDS.] The Earl of *Roden* wished to ask of the noble Marquess opposite, whether he had any objection to lay on the Table papers relative to a melancholy outrage which had occurred during the time the noble Marquess filled the office of Lord-lieutenant of Ireland. Those of their Lordships who were on the Committee which sat last Session to inquire into Irish Education, would recollect that a gentleman was examined before that Committee who filled the situation of chief officer of the coast-guard at Achill. That gentleman stated, that the Roman Catholic priests at the island of Achill persecuted the Protestants in that part of the country, and excited the peasantry to annoy and molest them in every possible way. In consequence of the information so given before the Committee going forth to the public through the different newspapers, very great violence of conduct was manifested amongst the peasantry towards Mr. Reynolds, who nevertheless persevered in the zealous and active performance of his duty as chief coast officer. Unhappily, however, within the last two months, this unfortunate gentleman had been murdered, while watching some wrecks in the neighbourhood. He was followed into a house, and there killed. This was a very serious occurrence; because, if it appeared that the evidence which Mr. Reynolds gave before a Committee of their Lordships' House was the cause of his murder when he returned to Achill, it went to show the deplorable situation in which the Protestants of Ireland were placed. He should, therefore, move for "all papers relative to the murder of Mr. Francis Reynolds, late chief officer of the coast-guard at the Island of Achill."

The Marquess of *Sligo* said, certain persons who were charged with having committed the murder were at present in gaol; and it would be better if the noble Earl would postpone his motion till the decision of the jury on the case were made known.

The Marquess of *Normanby* said, his noble Friend near him had anticipated what he was going to say in answer to the noble Earl.

Motion withdrawn.

HOUSE OF COMMONS,

Friday, March 1, 1839.

MINUTES.] Bills. Read a first time:—Double and Treble Costs; County Courts; District Sessions; Borough Courts; Transfer of Aids.
Petitions presented. By Mr. C. C. CAVENDISH, from the Magistrates of East Sussex, for Amending the Beer Act. —By Sir R. BATESON, from Dublin, against the Municipal Corporations (Ireland) Bill.—By Sir S. GLYNNE, from places in North Wales, against the Appropriation of Ecclesiastical Revenues to other purposes.—By Captain WEMYSS, from Fife, against any further Grants to the Church of Scotland.—By Mr. BROADLEY, from a place in Yorkshire, against Idolatrous Practices in India; and from the same place, for Protection to the Established Church in Canada.—By Mr. COLQUHOUN, from twenty Parishes in Scotland, for Church Extension; and against

any further Grant to Maynooth College.—By Mr. BEAMISH, from Cork, for Municipal Reform.—By Mr. CURRY, from Armagh, for a general system of Railways by the Government.—By Mr. HUME, from Lyme Regis, for the Abolition of Ecclesiastical Courts.—By Mr. MAHER, from New Ross, for a real Union, and Equality of Civil Rights.—By Mr. O'CONNELL, from several places, to the same effect.—By Mr. O'CONNELL, from Dublin, for placing the Management of Irish Railways into the hands of Government.—By Mr. W. ROCHE, from Limerick, for Encouragement to Irish Railways.—By Mr. LASCELLES, from Wakefield, against the present state of the Law for the Recovery of Debts.—By Mr. PRINGLE, from Mid Lothian and Selkirk, for Church Extension in Scotland.—By Messrs. C. C. CAVENDISH, DARBY, PRINGLE, GASKELL, and Lords INGESTRIE, and ASHLEY, from several places, against the Repeal of the Corn-laws.—By Mr. WALLACE, and Mr. STRUTT, from several places, for the Repeal of the Corn-laws.—By Sir R. INGLIS, from Canterbury, and another place, against the Ecclesiastical Revenues and Duties Bill.—By Mr. HAWES, from a number of Persons, in favour of the Oaths and Affirmations Bill.

MR. WYNN'S CASE.] Mr. J. Jervis brought up the Report of the Select Committee which had been directed to inquire into the appointment of the right hon. Charles W. W. Wynn to the office of Steward of the Lordship of Denbigh, which was read by the Clerk at the Table, and was to the following effect:—

"The Committee having heard evidence and fully considered the appointment which they were directed to investigate, have come to the following resolutions:—that the office of Steward to the Lordship of Denbigh is an office of profit held under the Crown, and that the right hon. Charles W. W. Wynn was appointed to the said office by her present Majesty; but that the said right hon. Charles W. W. Wynn did not accept the said office since his election as a Member of the present Parliament."

Mr. *Jervis* said, it was due to the right hon. Gentleman that he should state, that the decision of the Committee had been unanimous; but he was also bound to say, and he believed he expressed the general opinion of the Committee, that there had been considerable irregularity and laxity in the office from which the patent issued. He should, therefore, move, that the report be printed, as it was his intention, as early as possible, to bring under the consideration of the House, the ante-dating of the patent by which the right hon. Gentleman held his office.

Report ordered to be printed.

VACATING SEATS.] Mr. *Harvey* said, it was not necessary for him, after what had so recently passed in the House, to trouble the House with any remarks. He, therefore, moved, for "an Address to her Majesty, for copies of any appointments made by the Earl of Durham, as Lord Commissioner of the British North American Colonies, previous to his departure from England, and during his stay in Canada; the name of each person appointed, the amount of salary, if any, and the nature of the duties to be performed."

Lord *J. Russell* said, the only objection which could be made to this motion was, he believed, this—that the papers in question were already on the Table of that House. He observed, that the motion of the hon. Member did not contain that which appeared to be most essential for his purpose—namely, the dates of the appointments, although he believed that the dates were included in the papers already before the House. He would, therefore, suggest to the hon. Member, whether he had not better consult the papers already before the House, to see if he required any additional information.

Mr. *Harvey* thought it would be more convenient for hon. Members to have a small paper in their hands with the simple facts contained in it, than to have to wade through a large volume, which very few would take the trouble to do. As to the fact about the dates of the appointments, that might be at once ascertained by a compliance with the motion for the returns, because it called upon Lord Durham to make a return of the dates of the appointments before he left England, as well as of those made while he was in Canada; and he apprehended, that the time of the departure of Lord Durham from England, and the time of his leaving Canada, were matters of no uncertainty; and therefore, if a return were made of those two periods, it would be easy to arrive at the object which he sought. At the same time, it would be more correct to insert in the return, the day and the date of each specific appointment. But as to calling the attention of the House to the whole report to which the noble Lord had alluded, it must be obvious, that it would be far more convenient that an extract should be made of the simple facts required.

Mr. *Labouchere* said, the papers already before the House comprised all the appointments made by Lord Durham both before he left the country and afterwards; and that it was not consistent with the usages of the House to require the same return to be given again.

Mr. *Harvey* said, he must confess that he was somewhat surprised and a little mortified to find that there should be any resistance made to this motion. It looked like an attempt to defeat the object of it; for though it might be conceded, as was known to every one who had read the report to which the noble Lord and the right hon. Gentleman had alluded, that Lord Durham had therein stated that he had appointed Charles Buller, Esq., to an office, and two or three other persons to other offices, and that he might also have given dates, yet the noble Lord and the right hon. Gentleman must be aware that the appointments themselves were not set forth therein.

Mr. *Labouchere:* Yes, they are.

Mr. *Harvey:* No, not the appointments themselves. What he wanted, was to have before the House the specific appointments under the hand and seal of Lord Durham. Now, they certainly did not appear in the papers before the House; and what pretext there could be for not producing in a more comprehensive form the return he wanted, he could not understand, unless it might be with a view to give the go-by to this question. Let the House deal with the motion as it might, he cared nothing about it. He only wanted to bring his mind—which he owned he found it difficult to do—to something like a conclusion, that impartial justice might be obtained in that House. When the motion was made for a similar return in his case, no objection was made to it: there was none of the zealous opposition which appeared now, then manifested to the production of the date of his appointment. Whether the House rejected or agreed to the motion, was equally a matter of indifference to him. If it would be any convenience to the noble Lord to let the motion stand over for the purpose of introducing any specific word as to the object of the motion, he would most readily yield to the suggestion. But if the object was to defeat the motion, he should certainly take the sense of the House upon it, and see whether it would refuse to do that in one case which it had thought absolutely necessary to be done in another.

Lord *J. Russell* said, there was not, he believed, the smallest objection to the motion; and certainly, if the hon. Gentleman thought it more convenient to have a single sheet of paper, and have the appointments without the dates rather than with them, it was not worth while to have any dispute upon the subject. He must say, however, that it appeared to him to be rather a remarkable accusation to make, that the Government were endeavouring to conceal facts which were already fully before the House.

Mr. *C. Buller* said, he had a very strong objection to the motion. Simply for this reason, that it tended greatly to delay the decision of the House upon this question. He was surprised, that the hon. Member for Southwark, in coming forward to attack his seat, should have thrown out such imputations against the noble Lord as he had heard, because the information with respect to this subject had been laid before the House in two distinct returns last Session; and no new information could be added upon the points in question. Let the House, however, if it thought proper, appoint a Committee from either side; he should be quite ready to abide by the decision of any Committee.

Mr. *Harvey* would observe, in reply to the noble Lord, that he could not contemplate that they could have copies of any appointments, without the dates of those appointments, including every other particular relating to the making and reception of those appointments. It was very true, as the hon. Member for Liskeard had stated, that these facts were already before the House, and that they had been before the House last Session as well as the present. That was just the matter of which he complained. He was surprised, that there should have been a return made last Session, setting forth, that Members of that House had accepted offices of emolument under the Crown; and yet that such a return had not attracted the attention of those hon. Gentlemen who had been so anxious in other cases to distinguish themselves by insisting on the strict observance of the rules of Parliament. As to unseating the hon. Member for Liskeard, he had never wished to unseat him. All he wanted was, to see the rules of the House kept with strict impartiality in all cases. He wanted to bring these matters under the eyes of other persons. He did not want to unseat the hon. Gentleman, or any other hon. Gentleman, but that those persons should have their attention drawn to the subject who had already been occupied with similar questions. He did not want to send the hon. Gentleman back to his constituency merely because he (Mr. Harvey) had been sent back to his. He disclaimed any petty feeling of that sort. He had no desire to disturb others, because he had been disturbed. All he wanted was, to make the public believe that there was an uniform sense of justice in that House.

Motion agreed to.

RAILWAYS (IRELAND).] Viscount *Morpeth* moved the Order of the Day for a Committee of the whole House on the Railways (Ireland) Commission.

Mr. *Lucas* rose and said, that before the Speaker left the Chair, he wished to say a few words. The public, more especially the Irish public, had reason to complain of the manner in which they had been treated by the Government in respect to the railways in Ireland. It would be in the recollection of the House, that two years and a-half ago, a Commission was appointed to make certain inquiries with regard to railways in Ireland. He was not one of those who was disposed to quarrel with that Commission; on the contrary, he thought the measure likely to promote the object in a very desirable manner. But what he complained of, and what the Irish public almost universally complained of, was, that no intimation could be obtained from Government as to what course they intended to pursue. The Commission became void by the demise of the Crown, and a new Commission was issued by her present Majesty. On the 20th of October, 1835, the Commission was appointed, and ordered to report on or before the 31st of March, 1837. The report was very considerably delayed, but it was eventually given in the month of July, 1838; and since that time there had been no possibility of getting any information from the Government as to what course they intended to pursue. Three courses were open to the Government on the subject. They might have said, that they would take the making of the railways into their own hands, or that they would have nothing to do with railways, and that they would confine themselves to opposing those that were not sanctioned by the Parliamentary Commissioners; or, thirdly, they might have taken the middle course, and have given certain assistance to those railways which had been recommended by the Commissioners, and have refused to support any others. He knew, personally, that no effort had been spared to obtain an answer from the Government on this subject; and he knew, also, that no answer could be got from the noble Lord opposite. In consequence of this, the public had been extremely disappointed; and the effects would, most probably, be very injurious to individuals concerned in those undertakings, who did not know what the Government would do. Private individuals were thus prevented from making surveys, and taking any steps towards making railways. The noble Lord, the Secretary for Ireland, had now allowed the month of March to arrive; the consequence was, that two years would elapse before any private individual could take any step with regard to railways in Ireland, and that time would be entirely lost to the public. What was the case with regard to some of the railroads in Ireland? The surveys had been made, and expenses had been partly incurred, in reference to one or two of them, before the Commission was issued, and they were now lying in abeyance. The parties had suffered very considerable loss; but they would have been satisfied, if the noble Lord had declared that he would take the railways into his own hands, whether he would or would not render assistance to any. Parties had been debarred from presenting their petitions to the House for private bills by the delay which had occurred. He knew, that the Irish Central Railway Company had received some indulgence, by being allowed time to present their bill. But still the consequences of the delay and uncertainty that had taken place, had been productive of great mischief. He had said, that he was not one of those who quarrelled with the appointment of the Commissioners. At the same time, he could not disguise from the House the fact, that the proceedings of the Commissioners were looked upon in Ireland with the greatest possible suspicion; the public were not only alive, but jealously alive, to their proceedings; and both the English and Irish public had a right to be fully satisfied before the noble Lord opposite should propose any course to that House, that the recommendations of the Commissioners, and the data on which those recommendations proceeded, were such as were just, and as would carry that confidence, both with the House and the country, which he was sure the noble Lord himself would wish. He was prepared to state, on the authority he had already mentioned, that the recommendations which the Irish commissioners had made with regard to the Great Irish Central

Railway were erroneous, inasmuch as they were based on erroneous data. He would not now go into any details, but what he wished to impress on the attention of the House was, that the petitioners were prepared to substantiate at the Bar of the House, or before a select committee of the House, should they so think fit, these important facts, that the Commissioners in making their recommendations had assumed different data and different reasonings for different lines of railway; in short, their data and reasoning upon them with respect to the southern and northern line were different from those which they had assumed in regard to the western line. He had a statement of six or eight particulars in which it was stated by the petitioners, that the Commissioners had used one mode of calculation for the north and south line, and another mode of calculation for the west line; and he would state shortly in what the omissions and alterations consisted. In the first place, in comparing the traffic of the western line with the traffic which at present existed, they had put out of consideration the traffic which at present was carried by the canal; whereas it was perfectly notorious by experience in all parts of England, that although canals had not suffered from railroads running in the same direction, yet at the same time the railway did derive the benefit of an increased traffic, though the canal traffic continued the same. The Commissioners had also thrown out of consideration on the western line all traffic that was now conveyed by common carriers amounting to one-fourth of that at present conveyed by canals. They had also omitted in the consideration of the western line the entire quantity of cattle at present conveyed by canals, to the extent of 100,000*l.*, though that railway would be a direct line to Balinasloe, the great market for cattle. In the third place, the Commissioners had also omitted from their western calculation the passengers by canal boats, although on the other lines they put that subject of traffic forward as a new view of their own; and although upon those lines they said the passengers now travelling by canal would, after the formation of the lines, no longer travel by canal, they had not given credit to the Great Western Railway for the possible benefit which would accrue to that line from that class of traffic, but had thrown it wholly out of their consideration. Again, they had taken into consideration on the north and south lines the passengers now travelling on parallel lines of road, while they had left out that class on the western line. It was, therefore, evident, that they had assumed data for one set of railways different from those which they had assumed in another. They had also divided the passengers into two classes—principals, who went the whole way from point to point, and secondary passengers, who only went parts of the distance. If that division were just, it at least ought to be applied to all their lines of railway; but he was instructed to state, that the Commissioners had taken these collateral passengers into consideration on the north and south lines, but had left them out in consideration of the western line. Again, in separating the primary and secondary passengers they had adopted different scales of calculation for different railways, taking the gross number of passengers in the first instance, which was matter of fact, and then dividing them into primary and secondary classes, a division which was mere matter of opinion, and they had considered the rates of primary passengers on the small line would be as eight to five, on the north line as seven to four, while on the western line they had reversed the rate by stating the primary passengers, would be as five to nine. The Commissioners might be right, or they might be wrong, but the public at all events had a right to look at statements so exceedingly various. The only other point had reference to the facility of getting coals, which, though that facility was much greater on the western line, it had been excluded that benefit in the calculations of the Commissioners. The Irish public were, he repeated, alive to this subject, and viewed with a great deal of natural jealousy the proceedings under the commission, and he had felt it due to them to state these facts, and read the prayer of their petition, which was, that they might be allowed to prove at the Bar of the House, or before a select committee, the allegations of their petitions, which were, that the data taken would work unfairly for one railway and fairly for others, and that the calculations of the Commissioners were erroneous.

Viscount *Morpeth* said, the hon. Member had complained, that the Government had taken too much time in determining the course they would pursue on this question, but, instead of entering into that complaint would it not be better to allow him (Viscount Morpeth) to go into committee, and state what were the intentions of the Government on the subject. No doubt, the commission had thrown difficulties in the way of companies undertaking the formation of railways in Ireland, but it should be remembered, that the commission had beeen issued in consequence of an address to the Crown from the other House of Parliament. The report had only been put into the hands of the Government in the month of July last, a period of the Session at which it was manifest it was impossible the subject could be taken up, and he must say he thought a very long space of time had not elapsed in the present Session before her Majesty's Government were prepared to come forward and state what their intentions were. He, though applied to on the subject, had certainly not thought it proper to make any premature disclosure of those intentions to individuals before he had announced those intentions to Parliament. Any other observations in answer to the hon. Member for Monaghan he should reserve for the statement it would be his duty to make in committee, and from which the course they proposed to pursue with respect to the Great Western line would be made apparent in common with the rest.

Mr. *Hodgson Hinde* said, he had a complaint to make of a different nature from that which had been raised by the hon. Member who had preceded him from that (the Opposition) side of the House. The House was aware, that a committee had inquired on the general subject of railways; over that committee the right hon. the President of the Board of Trade presided, and it was attended by a great number of Members, in whom great authority was placed. That committee made a report to the House, and when last year he (Mr. Hinde) brought forward a motion on the subject of a particular railway, the right hon. Gentleman had quoted that report against his motion. Now, nothing could be more decided than that the terms of that report were against any proposal that could emanate from the noble Lord opposite (Viscount Morpeth) in the committee for which he had now moved. He would read that portion of the report which had reference to the subject of railways in Ireland: "With regard to Ireland, when any great works had been commenced, it would be possible that some assistance might be afforded to them by the Board of Works;" and then, after alluding to a memorial presented to Lord Melbourne for a general survey at the expense of the Government, for the best line, the committee state "they cannot recommend, that the Government should take upon itself the responsibility of deciding the points between which railway communication should extend." It might, perhaps, be replied, that the House had decided against that part of the report of the committee, and had directed the survey to be made, not at the expense of individual parties, but at the expense of the Government. But how had that vote been gained? No sooner had the committee determined on their report, and before the report was in the hands of Members, than the right hon. the Chancellor of the Exchequer came down and moved an address to her Majesty for the purpose already stated, and that address was carried, although he (Mr. Hinde) had humbly endeavoured to show, that the motion was not in conformity with the terms of the report. He trusted, that the House would not, because it had already taken one false step, now commit another. His (Mr. Hinde's) motion of last Session was, for an address to her Majesty to appoint engineers to decide the best mode of railway communication between the capital of England and the capital of Scotland. The report, he repeated, had then been quoted against him, and he asked, whether it was fitting for the Government, now that they were pressed by the hon. and learned Member for Dublin on this matter, to adopt a different line of conduct. This was certainly one species of justice to this country, and another species of justice to Ireland.

Mr. *H. Grattan* said, that the charge that the hon. and learned Member for Dublin pressed the subject upon the Government was one of those claptraps to which he should not have supposed the hon. Member would have resorted. He denied, that the matter was pressed on the Government by the hon. and learned Member, and he hoped hon. Gentlemen would have some regard to the feelings of independent Irish Members, and not suppose, that nothing could be done for Ireland but at the instance of the hon. and learned Member for Dublin.

Mr. *H. Hinde* observed, that he had stated the matter as one of fact within his own knowledge: for the hon. and learned Member for Dublin had presented a petition that evening to the House, and emphatically supported its prayer, which he recommended to the Government.

Mr. *O'Connell* remarked, that the hon. Member laboured under a most extraordinary delusion. He believed the noble Lord was not in the House when he presented the petition in question, which was in favour of a general railway measure. So far from his having on any occasion interfered with the Government on the subject, the fact was the reverse. He had attended a meeting of his constituents held in Dublin, at which the Lord Mayor presided, and which was attended by Lord de Vesci and several other noblemen and gentlemen, and resolutions were proposed to which an opposition was got up. He (Mr. O'Connell) argued the question against that opposition, and succeeded in getting the meeting to agree to the petition, but from that hour to the present he had not had the least communication with her Majesty's Government on the subject. It was unbecoming a Gentleman of the independent character of the hon. Member opposite to draw such inferences and make such observations.

Mr. *Hodgson Hinde* wished to know, what expression he had made use of that was unbecoming. If there was one word personally offensive to the hon. and learned Gentleman, it was understood contrary to his meaning. His accusation was not against the hon. and learned Member, but against her Majesty's Government, for adopting one plan, when he (Mr. Hinde) had submitted his motion to the House, and one entirely different when a similar point was pressed by the hon. and learned Member for Dublin. He should move, by way of amendment, that the part of the report of the committee relating to railways in Ireland be read.

Lord *J. Russell* rose to speak to the fact of the accusation which had been made against her Majesty's Government. The accusation of the hon. Member was not founded on the merits of any plan which his noble Friend was about to bring forward, or on any knowledge, that the plan was not a good plan, but, determining not to listen to what his noble Friend might have to say, the hon. Member had resolved not to learn the merits of the plan, but to state it was brought forward, because it was suggested by the hon. and learned Member for Dublin. That was the accusation, as he understood. [Mr. *Hinde*: No, no.] The accusation was not against the hon. and learned Member, but against her Majesty's Government. Now, he would state, as far as he was concerned, what he had to do with the matter, and would state facts. There had been brought to him officially an address to her Majesty from the House of Lords—whether suggested by the hon. and learned Member for Dublin, and carried by his prevailing influence in that House, he knew not; but it was an address of the House of Lords to his late Majesty, praying, that his Majesty would be graciously pleased to appoint a commission on the subject of railways in Ireland. On receiving that address he had consulted, not the hon. and learned Member for Dublin, but other persons connected with the Government in Ireland and others here in official appointments, and it then appeared to him and his right hon. Friend, the Chancellor of the Exchequer, that Mr. Griffiths, a gentleman well acquainted with Ireland and this subject, that Colonel Burgoyne, who was at the head of the Board of Works in Ireland, and that Mr. Barlow, the professor of mathematics, at the Royal Military College, Woolwich, together with Mr. Drummond, whose scientific attainments, whatever might be his politics would not be denied, were proper persons with respect to a subject which the House of Lords had asked the Crown to appoint a commission to inquire about. These gentlemen had inquired into the subject with great labour and assiduity, and by the application, not of their political doctrines, but the science and knowledge they possessed, had made a report last year which contained as much knowledge, as much research, and as much information, on these subjects, as was ever presented in any public document, by persons appointed under a commission from the Crown. And he must say, that these gentlemen had fully justified the choice and selection made of them by the Crown, in consequence, in the first instance, he again repeated, of an address by the House of Lords. On that report he had thought it to be the bounden duty of the Government to consider what would be the best proposition to make to Parliament both for the benefit of Ireland and of the whole community. That proposition and the reasons for it, his noble Friend, the Secretary for Ireland was now prepared to state, and he did not think the House would be deterred from hearing that statement by the imputation upon the Government, that they had not considered the merits of the question—that they had not considered the reports of the commissioners, but, listening to the suggestions of others, they had brought the subject forward for any paltry purpose, which he utterly disclaimed and despised.

Mr. *H. Hinde*, in explanation, said, the charge he made against her Majesty's Government was, that when he made a proposition last Session, which the Chancellor of the Exchequer thought was contrary to the recommendation of the committee in the report which he had just now read, that report was urged as conclusive against his motion; but now, when a motion was brought forward by the Government in the present Session contrary to that report, which he defied them to deny, they threw aside the report as not binding on them.

Colonel *Perceval* concurred in the opinion, that the recommendations of the commissioners were regarded with great suspicion in Ireland. The commission had first been issued during the reign of his late Majesty, in consequence, it was true, of an address from the House of Lords, and on the death of the late King it was necessary that commission should be renewed. Now, in the original commission, which he had read to-day appeared these words:—"That with a view to ascertain the best lines between any principal places in Ireland which it might be advisable to connect by railways, and for which works joint-stock companies might hereafter apply to Parliament." Implying, that joint-stock companies were contemplated. But in the renewal of the commission these words were left out, and he wished to know upon what authority that omission had been made. That circumstance had increased the suspicions existing in Ireland, and he trusted the noble Lord would be able to satisfy the House by what authority those important words had been left out.

Lord *J. Russell* confessed, that he was not aware why those words had been left out. He was responsible for the first commission, and likewise for the renewal, but he did not remember, that his attention had been called to any alteration in the renewed commission, except that he had desired it should be limited in point of time. He, however, would make inquiries to satisfy the hon. and gallant Member opposite.

Mr. *Redington* said, that on referring to the report of the committee to which the hon. Member for Newcastle alluded, it appeared, that the committee were of opinion, that a general system of railways might be proper for Ireland.

House in Committee.

Viscount *Morpeth:* Now that I am permitted to go into committee, to state what it is intended to propose on the part of the Government, it will clearly be convenient for the consideration of the subject, and will certainly be just, prior to the condemnation of the plans we intend to bring forward. I feel conscious, however, that the proposition which I shall submit to the House, notwithstanding the slight indication to the contrary that has ruffled the short preliminary discussion, can have no tendency to excite political feeling or acrimony, inasmuch as it has for its sole object that which I am sure is common to all parties, both in and out of this House—to promote the practical and, if I may be allowed to use the term, the material interests of the Irish nation. Yet I confess that I do feel much; and I am not aware that on any previous occasion I ever felt more, of the suspense and anxiety which might naturally accompany the introduction of a measure on the most ambiguous and tempestuous subject of party warfare. This feeling I attribute partly to my own conviction of the great importance of the subject, and my unaffected sense of the slight and most inadequate justice that I can render it, inasmuch as, considering the great extent, the great variety, and the complexity of all its bearings, it might require, and would well deserve, the most undivested and unoccupied attention, whilst I have been able to confer upon it only the gleanings of a scanty leisure. However, I feel that the circumstances under which I bring this proposition forward will tend materially to relieve me from much of the burden and much of the responsibility which would otherwise attach to it. The circumstances are well known to every Member of this House, that in consequence of an Address which was unanimously voted by the other House of Parliament a commission was appointed by his late Majesty, which was subsequently renewed in the present reign, and taking notice of the variation between the wording of the two commissions alluded to by the hon. and gallant Member opposite, I must say that it was not effected through the design or through the interference on the part of the Irish government. The Irish government has never exercised any influence over or interfered with any of the deliberations of the commissioners. The commission appointed to inquire into the whole subject of Irish railroads was composed of persons to whose nomination there was generally a feeling of assent on the part of the country; and I believe that my assertion will be borne out by all competent contemporary testimony, when I say that they were above exception. But, however, that may be, their qualifications are best tested by the report which they have made. I do not pretend that this report has been received with universal approbation; there have been various complaints; some vehement symptoms of attack and of opposition have proceeded from different quarters in contravention of the statements which have been made, and the deductions which have been drawn; but when hon. Gentlemen say, that the report of the commissioners had only been adopted by the Government on the pressure of the hon. and learned Member for Dublin, I will observe, in passing, that all I have heard, either in public or private, from my hon. and learned Friend was the condemnation which he made to this House of the report on its first inspection, and I am glad to find that on a minuter inspection of the contents of this report the hon. and learned Gentleman has been enabled to modify considerably his original opinion. While I admit, therefore, that on the first appearance of that report it met in various quarters with considerable hostility, yet that opposition has gradually diminished, and, I believe, that, on a closer examination of the present sources of opposition, it will be found, that it generally proceeds from those quarters where the persons are embarked in the prosecution of schemes which are liable to be affected by the recommendations of the commissioners; or from persons who have peculiar interests which they may consider not to have been sufficiently attended to in the report. I think, then, that it may fairly be stated, that the report may be considered as having risen gradually, but surely, in the estimation of competent and impartial judges. Many meetings have been held in all parts of Ireland, in the metropolis, in the larger cities, and in various parts of the country, attended by persons of all political parties, and in which resolutions have been carried, calling upon the Government to act in furtherance of the recommendations of the commissioners. Amongst others I will refer only to one document, an Address to her Majesty, signed by the great body of the peerage in Ireland, headed by the Duke of Leinster. It is to the following effect:—

> "Most Gracious Sovereign—We, your Majesty's most dutiful and loyal subjects, being deeply interested in the prosperity of Ireland, and deeming it of the utmost importance to her welfare that the Poor-law Act of the last Session of Parliament should be followed in the next by measures for the general improvement of the country, most respectfully solicit your Majesty's gracious attention to the subject.
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> "It is not for us to specify particular undertakings, but we beg leave to express our anxious hope that the report lately made on railway communication in Ireland may be taken into serious consideration.
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> "We do so under the persuasion that the promotion of works of public utility in Ireland would not only prove one of the safest remedies for her wants, but, by encouraging commerce and increasing her means of contributing to the exigencies of the state, most essentially benefit all parts of the empire.
>
> "November, 1838."

This Address was signed, as I have already said, by the Duke of Leinster, and amongst other names, by the Marquesses of Headfort and Clanricarde, the Earls of Meath, Arran, Courtown, Miltown, Clanwilliam, Mountcashel, Clancarty, Gosford, Rathdowne, and Listowell; the Viscounts Southwell, Harberton, Lismore, and Gort; and the Lords Kinsale, Louth, Riversdale, Cloncurry, Clonbrock, Rossmore, Wallscourt, Dunally, Bloomfield, Fitzgerald and Vesci, Carew, and Oranmore. The recital of these names will convince the House that all parties have cordially concurred in calling upon the Government to prosecute a work which will be of great advantage to their common country. I think then, Sir, that the assent and authority of the Irish public have been sufficiently shown to justify the Government in acting upon the recommendations of the commissioners appointed to inquire into the subject; but I am aware that this alone is not a sufficient motive to induce the adoption of these recommendations by the imperial Legislature, unless these deductions are founded on truth, and unless their suggestions are based in policy. I do not, of course, challenge implicit reliance upon every single deduction of the commissioners, or adoption of every recommendation, but we do subscribe to the general tenor of the suggestions as being in our opinion sound and just, and proper and politic. Several of the propositions laid down in the report may be taken for granted at once; it would be a loss of time at this period of the railway question to labour to prove, that railroads are wonderfully effectual means for promoting the public convenience and of increasing the public wealth; and it would be superfluous for me to add, that their introduction into Ireland will be of signal advantage to that country. The main point for our consideration is, how this introduction is to be obtained. Shall we leave it to the energies of private enterprise and competition, as it has been wholly done in England; or shall we call for the assistance and intervention of the State, as has been wholly done in Belgium? I will not conceal from the House that the abstract principles of political economy, as applied to such a country as England, may not be considered as in accordance with the course of procedure recommended by the commissioners. I admit also that the report of the committee of this House which sat upon the subject of railways equally seems to discountenance such a course; but I do not conceive, as the hon. Member for Newcastle does, that this report did so absolutely, as there is an evident distinction drawn in the report between the basis on which we should legislate with regard to Great Britain and with regard to Ireland; and with respect to Ireland be it remembered that the recommendations of the committee have been in a great degree thrown over by the appointment of a commission to inquire into the system of railroads suitable to that country, on the unanimous vote of the other House of Parliament, acquiesced in by this. The question for us to consider, therefore, is, whether the course which is perfectly consistent with true political economy, when applied solely to England, is supported with equal force of reasoning when applied to Ireland? Although, for myself, I think it is a question whether in this country the resolution we have formed to leave these public works solely to private competition, and to the management of private individuals, does not require some modification and revision; still I will not quarrel with the rule as it is applied to such a country as England, possessed of all the advantages and all the resources which advanced wealth and civilization can supply; yet the case is different with Ireland, which cannot be said to be prodigal of means, or bursting with opulence. I was rather taunted last night for not pressing more upon this very point, when we were urged to make both countries alike in electoral matters; but so far from the treatment in some matters being necessarily the same between this country and a country situated like Ireland, the singularity would be all the other way; however, the present is a question to be resolved by facts, and not by theories. Is England in want of the intervention of the State? Look at the surface of England, and then contrast it with the surface of Ireland. In the one country a soil improved by all the matured processes of agriculture, pouring through countless channels; its produce and its wealth into lines of manufacturing industry, its mills and its workshops, its factories clustered on the banks of every river, and forests of masts thickening in every port; in the other, a soil more fertile scantily cultivated, plains are yet more extensive, and yet more level, from which the busy hum of industry scarcely rises, and yet more noble rivers, along which the easily-counted sails drop down into deserted harbours. I find by a reference to tables the comparative wealth of the two countries. It appears by a *

Again, the amount of capital authorised to be raised for making railways in England under Acts passed in 1833, 1834, 1835, and 1836, was upwards of twenty-nine millions. The estimate for those for which bills were petitioned in 1837 was very near thirty-one millions. Therefore, sixty millions have either been applied or are in the course of application in England, whilst in Ireland we can only boast of the completion of one line of five miles in length. In England the canals and navigable rivers exceed considerably 4,000 miles, but in Ireland they are little more than 400. Therefore, the system of intervention of the State is unnecessary in England; but the same circumstances being taken into consideration show that intervention is required and is called for in Ireland. If we look at other countries, united or connected with this, what has been the course pursued by the parent country towards those other countries? Large sums have been voted for the Caledonian Canal, for highland roads and bridges in Scotland, for military roads and bridges in Scotland, and for the Rideau and Ottawa canals, and for canal communication in Canada. By a

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* See Table in the following page.

return of the sums voted in each year for these works, from 1770 to 1839, I find that there has been voted for the Caledonian Canal the sum of 953,638*l.*; for the highland roads and bridges in Scotland, 25,752*l.*; for military roads and bridges in Scotland, 241,918*l.*; and for the Rideau and Ottawa canals, or for canal communication in Canada, 1,034,429*l.* After all this, I cannot think the application unreasonable, to grant railways in Ireland—I will not say the gratuitous assistance—but the intervention of the State. It seems to have been a part of the past policy of the State, wherever in any portion of its dominions or dependencies, it had reason to think there was a deficiency, either of population or capital, to make what it did not find. Wherever we pursue the inquiry, I think it will be found, that the facility of intercourse and of communication has a marvellous tendency to reproduce and to multiply itself. I may instance the reports on the amount of communication subsequently to the introduction of railways, and the increase of traffic occasioned by the improved method of transit:—

"On the Stockton and Darlington line, the passenger traffic, prior to the establishment of the railway, amounted only to 4,000 persons in the year; it now exceeds 16,000. On the Bolton line the average weekly number of passengers is 2,500, whereas the number of coach journeys out and in per week, which the railway has superseded, amounted only to twenty-eight, carrying, perhaps, on a weekly average, above 280 or 300 passengers. On the Newcastle and Carlisle road, prior to the railway, the whole number of persons the public coaches were licensed to carry in a week were 343, or both ways 686; now the average daily number of passengers by the railway for the whole length, viz. 47½ miles is 228, or 1,596 in the week. The number of passengers on the Dundee and Newtyle line exceeds at this time 50,000 annually; the estimated number of persons who performed the same journey previous to the opening of the railway having been 4,000. Previous to the opening of the railway between Liverpool

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* Statement of the Gross Receipt and Net Produce of the Customs and Excise Duties received in England, Scotland, and Ireland, respectively, in the year 1837, that the Customs Duties of the different parts of the Empire were as follows:—

CUSTOMS' DUTIES.	England.	Scotland.	Total Great Britain.	Ireland.
	£.	£.	£.	£.
1. Gross Receipt . .	19,335,474	1,626,292	20,961,766	1,945,849
Drawbacks and Repayments . . .	721,362	114,319	835,681	8,816
2. Net produce . .	18,614,112	1,511,973	20,126,085	1,937,033
Balances of former years received in 1837 .	... ...	... ...	*586,968	77,823
3. Total Income . .	... ...	... ...	20,713,053	2,014,856
EXCISE DUTIES.				
	£.	£.	£.	£.
1. Gross Receipt . .	11,033,050	2,431,963	13,465,013	1,835,392
Drawbacks and Repayments . .	546,139	230,481	776,620	5,644
2. Net produce . . .	10,466,912	2,201,482	12,688,393	1,829,748
Balances of former years received in 1837 .	... ...	... ...	*504,028	21,533
3. Total Income . .	... ...	... ...	13,192,421	1,851,281

* The proportions of this sum for England and Scotland not given in Finance Accounts.

and Manchester, there were about 400 passengers per day, or 146,000 a-year, travelling between those places by coaches, whereas the present number by railway alone exceeds 500,000. In foreign countries the results arising from the same cause are equally, if not more striking. The number of persons who usually passed by the road between Brussels and Antwerp was 75,000 in the year; but since the railroad has been opened from the former place to Malines, it has increased to 500,000; and since it was carried all through to Antwerp, the number has exceeded a million. The opening of a branch from Malines to Termonde appears to have added 200,000 to the latter number; so that the passenger traffic of that railway, superseding a road traffic of only 75,000 persons, now amounts to 1,200,000."

Now, in Ireland, we have only the experience of one railway, and what has been the effect produced by the completion of that line? The commissioners, in their report, say,

> "As yet there is but one railway in Ireland, and that depending, perhaps, on peculiar local circumstances, and, at all events, being on too limited a scale to be fairly cited as a guarantee for the success of undertakings, in their nature and design, more general and extensive; but its history, as far as it is applicable, perfectly accords with our opinion as to the increased intercourse that follows the adoption of improved means of carrying it on. The Dublin and Kingstown railway has been in operation for three years only; the prices are not lower than those of the ordinary road conveyances, and the line being a very short one, no considerable saving is effected in point of time; yet it has more traffic than ever was known to be on the high road, while the latter is still frequented, to a great extent, with carriages, horses, and foot passengers. The owners of hackney-cars, who had derived all their support from the intercourse between Dublin and Kingstown, and feared that they would be thrown out of bread by the railway, have actually experienced an improvement in their business—not all, indeed, being employed upon the same line as before—but finding the defect amply made up by calls to places not directly in the line of railway, and in journeys and excursions to and from its several stations."

There are other details showing the great increase of intercourse and communication produced by steam navigation, and the different facilities afforded to the coasting trade, with which I will not trouble the House further than to say, that the effect produced by them has been to multiply the intercourse which is carried on in a marvellous manner, and that the profits have risen to an extent which could not have been anticipated by the most sanguine of the projectors of the undertaking. But if such are the benefits which have resulted from the opening of new means of intercourse, and from the adoption of a new species of communication, it may be asked, why not leave the whole matter to private competition and enterprise? Now my answer is, that although I consider it as undoubted, that the introduction of a well-conducted system of railways in Ireland would be of the most material advantage to the districts through which they would pass, and to the places between which such railways would be carried, and to the country and empire generally, yet it by no means follows, that they would hold forth the promise of sufficient remuneration to induce the promotion of the undertakings, or to secure the perseverance of private individuals or of companies. There may be portions of lines (and for some of them Acts of Parliament have been already obtained) which would sufficiently remunerate any company or set of individuals who might undertake them, but I doubt whether you could secure sufficient remuneration along such entire lines as it would alone be of much use to undertake; what we should wish to see, would be an extended system, I will not say of how many miles, or of how many lines, carried on so as to connect the interior of the country with the sea coast, and to reach from shore to shore, thus connecting Dublin with the extremities of the island, and the British channel with the Atlantic; or, as I might say, in large but still appropriate terms, the old world with the new. What are the calculations which the commissioners have made upon this subject? And here let me say once for all, that I, of course, cannot pretend to assert that these calculations must be considered infallible, or that the House must repose implicit reliance on them, for, like all other human matters, they may be found to contain some mistakes; but when I admit this I profess to ground myself on these calculations. With respect to the commissioners themselves I have the strongest opinion of their competence and abilities, and of their uprightness and integrity. I refer to the report which they have furnished as evidence of their zeal and diligence, and I am not aware that any one essential point of the statement which they have made has been questioned, or that any material error or miscalculation has been discovered, which can be brought forward against them. But although in saying this I must admit also, that they may have been liable to mistakes, and that in the course of the series of the vast calculations which they have had to make, they may have fallen into some errors, yet I feel, that no pains which I could have given to the subject could have enabled me to form any more just calculation, and I am disposed to think, although, of course, in a less degree, the same observation applies to those individuals who take upon themselves to impugn the defects. Some parts of the lines which the commissioners have recommended would carry with them a profit of five per cent., while others, which would be equally necessary, would carry a profit of only seven-tenths of a unit per cent. Many would doubtless undertake to produce lines which would secure for them a return of five per cent. for the capital which they invested; but there would be very far from the same alacrity displayed in the preparation of those lines by which a profit of seven-tenths of a unit only would be realised, and therefore there is great reason to doubt whether such lines would be undertaken at all, and the interests of the country would entirely be thrown aside and lost. All, that is most, of the meetings which have been held in Ireland bear out this view of the case, which I am now anxious to impress on the House. At the great meeting held in Dublin, at which it is true that the hon. and learned Representative for that city was present, but which was also attended by many decidedly opposed in politics to that Gentleman, amongst whom was Viscount de Vesci and others, the meeting being called upon a requisition, which, if I mistake not, was signed by the right honourable and learned Recorder, it was resolved,

"That it appears to this meeting that the establishment of any such comprehensive system of railways, on principles calculated to extend its usefulness to all parts of the country to which railways are applicable, cannot, under existing circumstances, be effected by private capital, and enterprise; and that it, consequently becomes the obvious duty of the Government, in order to secure to the people of Ireland advantages of such vast importance, to take this great national work into its own hands.

"That railways, in the hands of individuals or chartered companies, however valuable and important the advantages and facilities which they afford to the public, are necessarily and unavoidably monopolies, and, as such, irreconcileable with the public interests; that the nature of the vested rights acquired by the shareholders in such undertakings renders it difficult, if not impossible, to apply any remedy to the evils of the system, while, if such establishments were the property of the State, they could be at any time reviewed or altered, as circumstances might require, without injury to any party.

"That the advantages and facilities possessed by the Government over individuals or companies, in the accomplishment of such an undertaking, are manifest. Capital would be obtained at a much lower rate of interest, and the enormous law costs, and those consequent upon parliamentary investigation, almost entirely saved, while the professional assistance, to be obtained in the several public departments, would be calculated materially to lessen the general expense. It is also unquestionable (having been already ascertained in various important instances) that noblemen and great landed proprietors, who, if ground were required from their respective estates, for a work undertaken with views referable solely to private emolument, would naturally exact its utmost value, are prepared to give it freely and without compensation, for an object of such vast public utility. Central management would also be found not only the most efficient and economical, but its general effect would be to establish a system of such strict regularity and responsibility, as it would be impossible to attain under the direction of separate local boards."

At the meeting which was held with respect to the Great Northern Railways, it was declared,

"That in a country under the peculiar circumstances of Ireland, whose landed proprietary and commercial interests have been depressed from various causes, it is not to be expected that sufficient capital can be obtained from its own resources for the execution of great lines of railway; and in the incipient state of national improvement, which is now progressing in Ireland, it is still less to be expected that British capital will be withdrawn from an investment on British soil, where certain prospects are afforded of large remunerative returns, to be invested in the less encouraging projects of Irish speculations. Under such circumstances, it is therefore, in our opinion, not only the duty but the interest of the State to give liberal aid in the advancement of such great lines of public communication as may offer a reasonable security for the amount of public money expended; because, although that degree of profit may not be directly or immediately produced to the State, which is necessary for the remuneration of private capital, still the State would have a certainty of ample remuneration, by the increased property of the country, and the consequent increase of revenue which must be the certain accompaniment of that prosperity."

I will only read one more extract, which I will take from the resolutions agreed to at a meeting of the landowners and population of Caher and its vicinity. It was there resolved,—

> "That this meeting do fully approve of the opinion expressed by the Commissioners, that the circumstances in which Ireland is placed with reference to the amount of capital disposable for enterprises of that nature, are not favourable to the establishment of local and separate lines of railway, executed and conducted by private companies, and that the interests of the country would be promoted much more effectually by a general system of railway intercourse, embracing within its influence the most populous and wealthy districts, and carried into effect under the immediate superintendence and control of her Majesty's Government, and that a petition to Parliament and the Lords of the Treasury to this effect be adopted."

I do not intend, and it is far from my wish, to impeach the conduct of any railway company in England; on the contrary, the country is immensely indebted to the energy, skill, and enterprise which they have displayed; and I profess myself to be friendly to railways in every shape, and in every form; but still I believe, that it is thought, and the opinion is gaining ground, that Parliament in the first instance, in the necessary inexperience which enveloped the subject, did somewhat blindly and precipitately throw the whole control and superintendence and legislation, in fact, of these vast concerns, which are fast gathering into a monopoly throughout the kingdom, into the hands of private, irresponsible individuals; and that it is now beginning to be found, that great as are the advantages resulting from the undertakings, yet, that there are some abuses found to have grown up, on account of the monopoly, and the irresponsibility of the persons in whose hands they rest, which it would appear that a law of nature always attached to monopoly and irresponsibility. The ground is comparatively open to us in Ireland, and I want on that new field, having laboured to prove that the circumstances of that country do justify, and I even venture to say, call for, the intervention of Government, in the introduction of this great and marvellous modern improvement reserved for the skill and energy of our own day, to introduce the system in its most complete and effective form, relieved from all the imperfections which inevitably accompanied it here, adopting all the various improvements which have been supplied, and which are now every day in the course of being supplied, avoiding the expense and delay attending ordinary parliamentary proceedings, and taking care that the plan shall be executed under competent control, by persons selected exclusively for their fitness and ability, and with a regularity and order, which perhaps a public department alone can effectually insure. The course adopted by the Belgian government is in strict accordance with the views which I have stated; and if the Committee will allow me to trouble them with a few details, it will afford us ample authority and excuse for treading in the same steps. The course there adopted is almost precisely similar to that taken in this country, and the quotation which I shall read is from the report of the Statistical Society on public affairs in Belgium, published within the last month; they began nearly as we did in Ireland:—

> "The first step which the Government took for the accomplishment of its object was, to employ a number of competent engineers to survey the kingdom, and to determine the main lines with reference not only to the general features of the country, but also to the interests of the several large towns, and to their internal and foreign relations. On the first of May, 1834, a law was passed authorising the Government to carry their project into execution. Mechlin was taken as the centre of the system, with four branches extending from that town, in different directions, to each frontier."

It then gives a summary of the lines resolved on, and goes on:—

> "The people have had the advantage of a much earlier introduction of this important means of communication than if the undertaking had been left to private speculation—without risk to individuals—without the interference of private interests—on lines perhaps which of themselves would have offered no temptation to private enterprise, but which as part of an extensive system will repay, either directly or indirectly, the money expended upon them. The Government will, in all probability, recover its outlay from the profits of the undertaking, but will assuredly be repaid by an augmentation of revenue arising from the increased commerce and traffic throughout the kingdom. If it be objected that the Government will be enabled to exercise too despotic a power over the means of public communication, the experience of similar private undertakings in our own country may give rise to a question, whether the control of the State is likely to be more absolute than that of the directors of a chartered railroad."

Now what are the causes which have produced this very great disproportion in the costs incurred under the respective systems; and I think it will be found that the advantages which have been acquired in Belgium, will apply with equal advantage to Ireland, —the great and main item of expense to which railways are liable in this country, is that of conducting the necessary bill through Parliament, and it is said, that this has exceeded in many lines 1,000*l.* per mile. I will give the estimated expense of obtaining the bills for several railways.

London and Birmingham ..	£72,868
Great Western	88,710
London and Southampton ..	39,040
Midland Counties	28,776
Birmingham and Gloucester ..	12,000
Great North of England ..	20,526
Grand Junction	22,757
Bristol and Exeter .. .	18,592
Total ..	£303,269

The total estimated cost of these eight railways was 11,595,800*l.*; the above item amounted to two and a-half per cent. of that sum, or nearly 500*l.* per mile." The most extravagant expense incurred is that which the directors of the London and Brighton railways have been called upon to pay, which far exceeds all other cases. Another great source of expense is the enormous amounts of compensation which have been required by individuals who have held the land through which the lines pass, and particularly those who have any Parliamentary interest. The hon. Member for Lancaster on a former evening made a statement to the House touching this point, and he said that persons possessing Parliamentary interest have received many times the amount which others have received, and in the report which I have already quoted it is said, "There are instances in which this species of extortion has amounted to 10,000*l.* per mile. One case has recently been the subject of a trial in the Court of Chancery, in which a nobleman obtained from the directors of the railway, in consideration of his withdrawing his opposition to the bill, 20,000*l.* for land belonging to him required by the company; and 100,000*l.* for the injury done to his estate." Immediately afterwards it is stated that—

"The contrast afforded by the United States of America is very striking. Mr. Fripp, in his account of the New York and Erie Railway, mentions, 'that besides the support granted by the State loan, donations of great value have been made to the company by individuals owning lands on the route of the railway. These donations consist of many thousand acres of land; for instance, 50,000 in one county only, proffered by the proprietors for the purpose of inspiring confidence in the stock, providing for dividends, and the payment of interest, and to secure the speedy construction of the road."

Now I am happy to think that an advantage similar to that here recited will be obtained in Ireland. The several individuals possessing the respective properties in Ireland through which the proposed lines will run, have most handsomely said, that if the Government undertakes to conduct the extensive lines of railway, they will give their land free of all cost, and I may mention the Duke of Leinster, the Earl of Kingston, and others, as some of those who have thus come forward. But I am empowered to say, and indeed I have good reason to know, that these munificent offers will not be repeated in case of the railways being carried on by any individuals or by private companies. Another source of expense arises from the haste with which it is found necessary to push the works forward, and which, under the regular system proposed by Government, would be obviated. But, perhaps, the strongest reason of all, that induces us to give a preference to making this a Government measure, especially in a comparatively poor country, to which I have all along referred, and to which the argument is mainly applicable, is, that in the case of private individuals or companies, of course it is to the interest of the parties, and as long as human nature remains what it now is, it will ever be so, to raise their prices as high as they will bear the strain, while in a work undertaken by the State we have the means of limiting the prices and profits to that amount which will make a fair return upon the sum actually expended. By the report to which I have before alluded, it is made clear, that the reduction of fares which the State may, but which companies hardly ever will carry into effect to the same extent, would, probably, also have the effect of increasing the amount of profit returned, and it is said—

"Another source of extravagant expenditure arises from the haste with which these works are frequently pushed forward; which is such, in many cases, as to require day and night work, and many other heavy extra charges. Short lines are frequently rendered expensive by their requiring a greater proportionate number of stations, warehouses, workshops, and other establishments; these always forming a large item in the general cost of construction."

"It is not sufficient to assert that the fares are moderate, and the accommodation adequate to the present traffic. The experience of the railroad system itself, compared with turnpike roads, proves, that as the fares are reduced, and the accommodation is extended, the traffic will more than proportionably increase. There can, indeed, be no doubt that if the present rate of charge be maintained, the monopoly which railways possess will prove a great obstacle to increased travelling. That the directors have little to fear from adopting a system of low fares will appear from the following comparison of the present amount of travelling in England and Belgium."

"The population of the towns on this line (Liverpool and Manchester) exclusive of the adjacent districts, which teem with inhabitants engaged in commerce and manufactures, was, in 1831, Liverpool, 196,694; Manchester, 270,963; Warrington, 19,155;—total, 486,812. This number could not have been less, in 1836, than 523,000, which is the number of passengers using the railway in that year. On an average, therefore, each inhabitant may be supposed to take one trip in a year."

Now I will state the population on the Belgian line:—

"The population of these three towns did not, in 1838, amount to one half of that on the English line, namely, Brussels, with its suburbs, 134,302; Mechlin, 22,895; Antwerp, 75,363:—total, 232,960; and neither the population nor the commercial activity of the surrounding districts can be compared with those of its competitor, yet the intercourse in 1837 was more than twice as great, and with reference to the difference of population, was five times as great, the average number of trips to each inhabitant having been five per annum. A comparison with the intercourse on both lines previous to the formation of the railroads is equally favourable to the Belgian undertaking. On the Liverpool and Manchester line, the average number of passengers which the coaches carried, in the year 1825 was estimated at 450 daily, or 164,250 per annum. The number actually conveyed by the railroad, in 1836, was 523,000, showing an increase of 218 per cent., or rather more than three times the former number; the fares having been reduced from 10*s.* and 6*s.* to 5*s.* 6*d.* and 4*s.*: the higher rates one-half, and the lower only one-third. On the Belgian line the number of passengers between Brussels and Antwerp, before the opening of the railway, is said to have been 80,000 yearly. The rates of conveyance have been reduced from 4*s.* to 2*s.* 6*d.* and 2*s.* 6*d.* to 1*s.* 0½*d.*; the higher fares two fifths, and the lower three fifths: and in 1837 the number of passengers booked at Brussels and Antwerp, excluding Mechlin, whence a portion of the passengers were proceeding on other lines of railway, was 781,250, showing an increase of 876 per cent., or about nine and a half times the former number."

"The Belgian government adopts the last system, and expects to realize an annual profit of five per cent. upon the original outlay beyond the current expenses. It has, however, been estimated, that the line from Brussels to Antwerp will yield sixteen per cent."

"The cost of the ten sections already completed, comprising the expenses of locomotive power, stations, and buildings, was about 1,360,000*l.*, or 8,526*l.* a mile."

"Let us now compare these results with the cost of similar undertakings in this country, and elsewhere. The lowest sum yet incurred in the construction of a well-executed railway in England, is stated to be 10,000*l.* a mile. This was the amount on the Newcastle and Carlisle, and on the Wigan lines, but of the former only about one-half the length was laid with a double line of rails. Others however, (exclusive of lines in the vicinity of the metropolis, the cost of which is enormous), have amounted to 40,000*l.* a mile. The cost of the Manchester and Liverpool line was 38,553*l.* per mile; of the Warrington and Newton a branch of the latter, 12,470*l.*; of the Leeds and Selby, 10,500*l.*; of the Dublin and Kingstown, 41,823*l.* The short line from London to Greenwich, of only three miles, has cost more than 600,000*l.*, or 200,000*l.* a mile. The estimated cost of the 44 railways for which Acts were obtained in 1836 and 1837, was 25,692,500*l.*; their length, 1,457 miles; and the average estimated cost per mile, 17,600*l.* But, judging from the experience furnished by those already executed, this estimate will fall considerably short of the real expense."

Having now sufficiently stated the views which I entertain on the general principle, and by which I shall be guided, I will now mention shortly the particular provisions which I propose to introduce into the measure which I shall submit to the Committee, and which I hope I shall be allowed to embody to-night in a bill, which, of course, will be submitted to the ample and mature consideration of Parliament. We do not propose in the first instance, that the Government should undertake more than one of the lines recommended by the railway commissioners. I own that I myself should have rather liked to have grasped at more, because I think the efficacy of the measure would have been increased by our doing so, but the line which we propose to adopt, is of sufficient magnitude fully to test the experiment; and while it must be admitted that to some extent it is still only an experiment, perhaps it is more fair to the country and to the public, and to the interests of those concerned, that the Government should not monopolize the whole field at once, but should leave a little room for experience and consideration, in order that the House might consider whether the whole plan should be eventually carried out, or whether private companies should be allowed to come in. The line which we propose to execute is, that from Dublin to Cork, with branches to Limerick and to Clonmel, which will comprehend an extent of line 213 miles in length. The main line from Dublin to Cork will be 166 miles long; the branch which will diverge at Holycross to Limerick will be 36 miles; and that which will lead to Clonmel will be 10 miles in length; and this, by the calculation of the commissioners, will involve an expense of 2,556,000*l.* The reasons which have determined us to adopt this line, is, that we think, that it will benefit a larger area of country, and that it will open a communication with greater districts and towns than could be obtained in any other line, because it will at once throw open the advantages to be gained to the large and important counties of Tipperary, Cork, Limerick, Kerry, Clare, and Waterford. Another reason is, that that district is now without any navigable canals or rivers. The line will connect Dublin and all the manufacturing districts of Lancashire and its neighbourhood, and indeed the metropolis of London itself, with Cork, which is the port most in use in the south of Ireland. Whether there may be others which may afford better means of communication between Ireland and America is a point which I will not now raise, but Cork is the harbour which is resorted to more than any other in the traffic between Ireland and America, and it will give the remotest part of the British empire ample means of communication, through the city of Dublin, with all parts of the western world. The country is extremely favourable to the making of railways, and although in other districts some of the advantages to be obtained there might be secured, yet I do not think that there is any other line which would so combine equal facilities, or in which greater practical good would be effected. I certainly should have been glad to have included the great northern line between Dublin and Belfast, which was also strongly recommended in the report of the commissioners, in my plan, but, for the reasons which I have stated, I think that that to which I have alluded already will be sufficient, and it will be remembered, indeed, that in the line to which I have last referred, there are not only two railways proposed, for which Acts of Parliament have been already obtained, but two railways are actually in progress—not indeed in the identical lines proposed by the commissioners, but in which a Government railway would be a very formidable competitor. The proprietors of those undertakings have made loud representations against the report of the commissioners, and although I will not give those complaints more weight than they are strictly entitled to, yet I think it will be wiser to give time to see whether those companies which have obtained Acts, or any others, may choose to undertake a connecting line between Armagh and Drogheda, which is not already provided for, or whether, after the experience which we shall have acquired, after making the Great Southern Railway, it will be considered best, that the State shall take into its consideration the completion of the Great Northern Railway also. I will now briefly state the heads of the measure. It is proposed,

"That the lines of railway recommended by the commissioners, between Dublin and Cork, with branch to Limerick, should be executed as public works. The management to be vested in the Board of Works, with power to the Treasury to confer such assistance as may be requisite."

When I mention the Board of Works, and particularly the individual at the head of that Board, I feel that no other guarantee is needed, that all possible activity, zeal, and intelligence, will be brought to bear upon the construction and management of these railways. I cannot pass this branch of the subject, without adverting to the supposed danger of undue interference of Government with the Board of Works in the way of patronage. I can only say on this, that since I have been connected with the Government of Ireland, no such interference has taken place with any of the operations or proceedings of the Board of Works. It is further proposed in the bill,—

"That the usual powers, as to appointing officers, entering on lands for survey, &c., be given to them: Detailed plans and sections to be made out by the commissioners, and submitted to the Treasury for approval: Compensation for lands or premises required for these works to be determined by the commissioners in a manner similar to that laid down in the Act for the improvement of the Shannon: The Treasury empowered to issue

Exchequer Bills from time to time as may be required for execution of these works, and all other purposes of this Act, not exceeding a given amount: Accounts of expenditure and reports of progress to be annually laid before Parliament: Commissioners to fix the rates of carriage, and give facilities to parties desirous of making branch lines, subject to the approval of the Treasury: Appropriation of the revenue received—1st, Maintenance and working of railways; 2d, Payment of interest at 3½ per cent. on advances; arrears of interest on advances accruing before the works become productive, to be added to the capital advanced, and to bear interest accordingly; 3rd, Repayment of capital at a rate not exceeding 1½ per cent per annum; 4th, Surplus to be afterwards disposed of in reduction of rates, or extension of railways, as Parliament may direct"

These are the main provisions of the bill. There still remain those, however, which provide for the possibility of a deficiency. The calculation of the commissioners is, that there will be a profit of about four per cent.; and, as it is admitted on all hands, that if the commissioners have erred at all in their calculation, it is on the side of over-prudence; that, in fact, they have understated the probable profits of these undertakings. There is every reason to suppose, that these estimates of their's will be realised. But so unwilling are we to excite any prejudice either in Parliament or the country, that Ireland is about to be benefitted at the expense of England, and thereby to create obstacles to the progress of the measure, that in order to guard the public treasury against the possibility of risk, we propose to enact, that in the event of the revenue proving inadequate to the maintenance and working of the lines, and payment of the interest at the aforesaid rate, the deficiency should be made good by assessment on the counties through which the lines pass; one-third of the assessment on each county to be charged on the baronies intersected by or adjoining the lines; the remaining two-thirds to be charged on the county at large, including those baronies. These (continued the noble Lord) are the provisions of the bill which I hope to have leave to introduce. We propose to employ the credit of England for the benefit of Ireland, but, at the same time, to secure England against all loss out of the benefit she confers. We propose, not as in the case of private companies, that if there is a profit, that profit shall go into our own pockets, but that whatever does arise, over and above the profits of the works, shall be applied to the general benefit of the Irish people. We propose also to substitute the public and responsible management of an official department for that of a private company, accompanied, as private enterprise must be, by irresponsibility, feeling, as we do, that if the formation of railways in Ireland were left to private enterprise, no general plan would be undertaken, and carried to a successful conclusion. We think, by these means, we shall be able most considerably to lessen the cost of construction of the works, as well as to reduce the rates of travelling. We believe, also, that we shall be enabled so to shape the whole of the arrangements, as to conduce exclusively to the advantages the public will derive from the railways; that, by undertaking works more extensive and useful, than could be undertaken by parties who would only look to profit, we shall secure the attainment of what otherwise we must despair of, a great increase, by means of our more enlarged scale of operations, to the employment for labour in Ireland, an increase which, if it has been at all times essential to the real welfare of the inhabitants of that country, is now rendered still more so as an accompaniment to the measure introduced last Session for the relief of the poor. Sir, I will not indulge in any further, perhaps visionary and high-flown anticipations of the benefits of the measure. I only hope, that the House will, at all events, give me leave to introduce the bill, and that the subject will meet with a calm, clear, and dispassionate consideration; and as, in the course of the lengthened and, I fear, unavoidably tedious address which I have inflicted on the patience of the House, I have had occasion to cite many prosaic authorities, I will now, in recommending this practical but splendid work to your adoption, cite the words, and use the authority, of one of the most practical as well as splendid of our poets:—

" Bid harbours open, public ways extend,
Let temples worthier of the God, ascend;
Bid the broad arch the dangerous flood restrain,
The mole projected, break the roaring main;
Back to his bounds, the subject sea command,
And roll obedient rivers through the land,
These honours peace to happy Britain brings;
These are imperial works, and worthy kings!"

The noble Lord concluded, by moving, that her Majesty be enabled to authorise Exchequer Bills, to an amount not exceeding 2,500,000*l.*, to be made out by direction of the Lords Commissioners of the Treasury, and to be by them advanced for the construction of a railway or railways in Ireland, the sum so advanced being secured, and the interest and sinking fund to be secured on the profits of the works, the deficiency, if any, being provided for by an assessment on the several districts through which such railway or railways may be carried, or which may be benefited thereby.

Mr. *Redington*, seconded the motion, and congratulated the noble Lord on the statements he had made. He had the highest respect for the zeal and talent of the Railway Commissioners; but while he admitted that they had given the most important information respecting three provinces in Ireland, they had almost entirely misrepresented or omitted to make mention of the other province, that was Connaught, his native place. The western part of Ireland had not come in for its fair consideration on the part of the Commissioners, like the southern and other parts of Ireland. The whole province of Connaught had been completely past over by the Commissioners; they had not proposed to lay out a single line there, for they had not made any surveys or taken any proceedings for that purpose. The Commissioners had not dealt fairly with the people of Galway.—He felt bound, however, to admit, that there was one paragraph in the Report of the Commissioners which must be considered candid in the extreme; he alluded to that part of the Report in which the Commissioners stated that there were certain parts of Ireland into which they had not thought it necessary to make any investigations. He thought it was the duty of the House, before they adopted the present measure, to see whether railways could be introduced with great benefit into the other parts of Ireland which the Commissioners had not referred to. With regard to the general principles involved in the measure proposed by the noble Lord, that the Government should take the place of private enterprise in such a country as Ireland, there existed a very high authority against it; that authority stated, that when Governments interfered with private enterprise they interfered with that which neither did the country or the Governments any benefit: he however, was not one of those who thought that when Government interfered with private enterprise they would not succeed. If he wanted a proof of that he had only to refer to both statements of the noble Lord opposite with respect to what had taken place in Belgium. Upon that ground it was that he agreed in the general principles of the measure of the Noble Lord. He was glad that the measure had been introduced, and he trusted that it would meet with the sanction of the House. He could not however, agree to the details of the noble Lord's Bill, because he desired that the people of the West of Ireland should have the same benefit as had been given to the southern and the other parts of Ireland.

Sir *R. Peel* said, that the very progress of this debate as far as it had gone afforded an illustration which confirmed the doubts he had always entertained of the policy of departing from the great public principle of non-interference of government with private enterprise. First, however, let him observe, that if he opposed the adoption of the contrary practice, let it not be supposed that the ground of his objection would be the expense which the measure would be likely to cause to England; that contributed nothing to his opinion on this subject. On the contrary, once show him that the proposed measure would benefit Ireland, and the expense would not deter him from assenting to it. But he greatly feared that every proposal for the carrying out of a line of railroad would expose the Government to enormous difficulties, from the opposing interests of the proprietors of estates contiguous to the different lines. An instance of this had already presented itself in the present debate, for the hon. Gentleman who had just sat down, the very first speaker who had addressed the House on the subject, being a resident of one part of Ireland, at once rose in his place, and charged on the promoters of the measure partiality and injustice towards a large district. The hon. Member declared that Connaught had been overlooked, and Ulster also. [Mr. *Redington* Not considered to the same extent as the other districts.] He meant to illustrate his argument as to what must be the invariable consequences of Government undertaking enterprises of this sort. There was much in the objection of the hon. Gentleman. Was it not unjust that Connaught and Ulster should be taxed for the completion of a line in the south? ["*No!*"] Why, how could the expense be defrayed by Government, except out of the means created by general taxation? The effect of the proposition was, that the money of individuals throughout the country was taken to carry into effect a line of railroad which was to benefit a particular district. The report of the commissioners, able as it was, as regarded all the engineering information required, only sufficed to convince him of the extreme impolicy of the interference of Government in these undertakings; for it showed that there was already a sufficient inducement to individuals to undertake all profitable speculations. In England the Government did not interfere in this way with private enterprise, and all the great works of which she boasted had been undertaken and completed by private enterprise. The noble Lord, however, invited a comparison between the two countries as regarded the amount of private capital available for such purposes. Suppose he carried the comparison farther, and compared Wales with England. Suppose he showed that the customs duties of Wales did not amount to more than 400,000*l.* or 500,000*l.* and those of England to nearly 20,000,000*l*, was it to be inferred that the public improvements of Wales should be taken under the guidance of Government, or were we to leave that country to follow the example of its neighbour, and to trust, that increase of prosperity and commerce would lead naturally to an extension of the means of communication? With regard to Ireland the facts in the report appeared to contradict the assumption of the noble Lord. He found proofs in the report, that the opening for the introduction for capital existed, if the intelligence and enterprise of individuals were duly exerted. One object of the report was to show how enormously the profits upon intercommunication had increased, and how the internal prosperity of the country would be increased by the opening of railway communications. The former fact it shewed most conclusively, choosing for example the case of Mr. Bianconi—one apparently the most surrounded with difficulties, and the least tempting to speculators, that could have possibly occurred. That gentleman was a native of Milan, with originally a very small capital, who settled in the county town of Tipperary, and in the first instance set up only a single car. Undeterred by all the accounts of violence, and all the prejudice which might operate against him—a foreigner, single, unsupported, bringing intelligence and industry to individual enterprise, and acting by that love of profit which actuated all speculators. What was the result? "The enterprise and intelligence," said the report, "of an individual, has, within the last twenty years, supplied the entire of the South and a great portion of the West of Ireland, with means of internal communication, by a species of accommodation, and in directions which, till then, had been unattempted—he meant a regular system of communication by cars between the provincial towns; for it is worthy remark, that while the intercourse has been long kept up by public coaches and other vehicles, between Dublin and the great towns, and between the several places situate on those lines one with another, there was scarcely an instance of a public conveyance plying regularly by the cross-roads, until the individual we allude to undertook it. We speak of Mr. Bianconi, of Clonmel, whose flourishing establishments afford a distinct and unequivocal proof that Ireland is in a condition to take advantage speedily and effectually of such facilities of internal communication as may occur. Mr. Bianconi is a native of Milan, who, when he settled in this country, was unacquainted even with the language spoken by its inhabitants. With a capital little exceeding the expense of the outfit, he commenced running a car between Clonmel and Cahir"—then in a disturbed state. "Fortune, or rather the due reward of industry and integrity, favoured his first efforts, and he soon began to increase the number of his cars, and to multiply their routes, until his establishments, which are still extending themselves in all directions, spread over the whole province of Munster, passed through Kilkenny to Wexford, Carlow, and Mountmellick, in Leinster, and penetrated into the counties of Sligo and Leitrim on the north-west. He has now ninety-four public carriages in constant work, and the distances traversed by them exceed 3,000 miles per day." Why, he asked, should not Gentlemen interested in the prosperity of Ireland, imitate the example of Mr. Bianconi, and establish their own railroads, trusting that their intelligence and industry in the application of their own enterprise and capital would insure the same success as in this country? "These results," said the report, "are the more striking and instructive as having been accomplished in a district which has been long represented as the focus of unreclaimed violence and barbarism, where neither life nor property can be deemed secure." Why, he again asked, should not Irish gentlemen and capitalists undertake their own works and trust to their own intelligence and enterprise for their natural reward? But the Government stepped in, and said Ireland was too poor to undertake such works; and there must be a grand scheme with a public department, and a cumbrous provision, that if the income should not be sufficient to maintain the line and pay the interest, the deficiency should be made up by an assessment on the country at large; but was not this creating and holding out difficulties and discouragements to private capital and enterprise, at the same time that it must lead to jealousy and disappointment in those parts which were not traversed by the favoured line? Every one of the arguments which had been used in support of this measure, might, with equal justice and cogency, be adduced in support of a proposition to establish a Government cotton manufactory in Ireland. Ireland, it might be said, was very poor; England was very rich: the cotton manufacture had not been introduced into Ireland; it would cause a great increase in the means of industry and social improvement: they could take advantage of all the improvements and benefit of all the experience and inventions of the cotton-mills near Manchester; but what was the answer to all this? It really was a great insult to the people of Ireland, to suppose that they were not capable of appreciating the benefits of railroads, and that it was necessary for a public department to introduce among them all the improvements which had taken place in that mode of communication. He knew how plausible it appeared at first sight, to advance English credit in support of such an undertaking; but, although he took no objection in point of expense, his firm belief was, that the moment Government interposed and supplied its credit, it must inevitably disparage native intelligence, industry, and enterprise, besides being a most unfair interference with the capital already in the field. He took the case of Bianconi, the native of Milan, to which he had just referred; who, undeterred by all threats of violence in a disturbed district, relying on the exertion of private industry and intelligence, invested his small capital in the single car, the speedy success of which enabled him ultimately to maintain no less than ninety-four public conveyances through different parts of Ireland: if the advantage of his position were interfered with by the legitimate application of private skill and capital, Mr. Bianconi might fairly be allowed to suffer; but he very much doubted, whether Government had a right to interpose so formidable and destructive an opposition to his private resources as the establishment of this line, which must of necessity engross all communication along the line. What said the report? "So great are the powers, so vast the capabilities of a railroad, that it must, wherever established, at once supersede the common road; and not only will all the public conveyances now in use disappear, but even the means of posting will, in all probability, rapidly decline, and eventually, perhaps, cease to be found along its line." Exactly the same consequences would follow as to an individual already engaged in the cotton manufacture, Government credit and public capital being employed with all its facilities against him. But was it fair in the Government, first, by remitting the usual charges on private bills, and then, with increased facilities, to come into competition with individuals, when, according to this report, the certain effect of these railroads would be, to supersede the common roads? Would not Mr. Bianconi have a fair claim for compensation in such a case? He might be ready to abide the consequences of fair competition with individuals or public companies, but if Government for any general considerations thought it wise to annihilate his establishments by large advances of public credit and capital, he was entitled to ask compensation for the loss. He called on them to consider well the danger of establishing such a competition. The intervention of Government in such matters should be guarded by the greatest possible caution and circumspection, on account not only of its direct interference with the existing application of capital, but also on account of the unfair advantage it must give to one part of the country over another. He now came to the question of the proportion in which the expense of the railways was to be imposed on the different counties. The report said, "A railway intersecting the country from Dublin would place the cattle of the rich pastures in the great feeding counties of Limerick, Clare, parts of Tipperary, and Queen's County, within reach of Liverpool, Manchester, and Birmingham, thereby insuring to these markets a larger supply and of superior quality, while the profits of the Irish feeder would be proportionably enhanced." Yes, but if it would do so, why should not those counties contribute directly to the maintenance of the line? But, again he asked, what would be the consequence? "The profits of the Irish feeder would be proportionably enhanced;" why, then, should the feeders on the Limerick line have this advantage? Why should not the feeders in Connaught have a corresponding benefit from British capital? The consequence would be, that next year, having perfectly annihilated all prospect of private gain from these railroads, they would have the feeders of Connaught saying, "Don't throw on us the *onus* of maintaining this line. You have given the feeders of Clare an unfair advantage, to which we have contributed. Extend the same advantage to us." After choosing to establish one single line by public credit and capital, they could not in justice resist an application from any other projected line in Ireland. They might say, "We are equally poor; nay, we are poorer than the line you have favoured, for you have not only taxed us by the issue of Exchequer-bills, in order to construct a rival line, but exposed us to unfair competition; we have therefore a double claim upon you—to reduce the charges you have imposed, to take the land from the landlord, and advance public money upon our line. The speculation might be a losing one to the Government—the experiment might have failed; but, being profitable to the feeders, the railway would be kept up, though the profits were reduced; individuals would receive all the advantages, and it would be too late, having committed hardship and injustice in one direction, to refuse the only mode of reparation which would remain by extending the same measure of assistance to other parties. It was absurd to tell him, that poor countries could not compete in these matters with rich countries. It might be said, that England was a great manufacturing country; but he would take an agricultural district. A writer on statistics relates, that two generations back "there were no means of reaching London from Horsham, in Sussex, but on foot or on horseback, the latter not practicable in all seasons. Horsham is thirty-six miles from London, and the journey between the two places now occupies less than four hours. More than thirty coaches pass through it daily, to and from the metropolis, in addition to private carriages, post chaises, &c. The traffic of goods chiefly coal and agricultural produce, carried on in the district of which Horsham is the centre, exceeds 40,000 tons in a-year; besides which the road is constantly covered with droves of cattle and flocks of sheep." What said the Commissioners upon this? Let the House attend: "This result has been obtained by a rise of only the first degree in the scale of improvement—namely, an excellent road without even a canal. It is the effect of improved communications on a country of rich soil, and bears analogy to what has taken place in many parts of Ireland." Ay, and to what will take place in many parts of Ireland, if the great landowners of that country, the Duke of Leinster for instance, and others, being convinced that new lines of communication will be profitable to the feeders, will only meet amicably and on fair terms with the capitalists of England, and will arrange with them the conditions on which these railroads are to be formed. When they shall have done that, the moral improvement produced upon the people of Ireland, from its landowners relying upon their exertions, will exceed tenfold that which would be produced by a Government Board with enormous patronage, interposing in such a concern, and proceeding on the old assumption, so much deprecated on the other side of the House, that the inhabitants of Ireland are an inferior people. He called upon the Government to consider well what they were about to do. They were reversing all the principles on which they ordinarily relied. They asked the House to grant municipal corporations to Ireland on the ground, that it would enable its inhabitants to superintend and manage their own concerns, and yet, in the present instance, they called upon the Members for, and indeed upon the whole people of Ireland, to consent to their own disqualification in so important a matter as the formation, construction, and supervision, of their railroads, and to abstain from doing those things for themselves, which had been done in the poorer districts of Great Britain; as, for instance, in Scotland and Wales, without any interference of the State. "Oh, no," said the hon. Gentlemen opposite, "that has not been done in Scotland, there the Government has interfered in the management of public works, and especially of the Caledonian Canal." Now to that he would reply, that if this money were intended for the permanent interest of Ireland, he for one should not oppose the grant; but that was just the whole question in dispute. Before we grant this sum to the formation of railroads in Ireland, let us, in the case of the Caledonian canal and in that of the Rideau canal, call for an account of the net profits which have been derived from those undertakings. The Caledonian canal had been put by the noble Lord in the very front of his battle, and if the Chancellor of the Exchequer were going to prove, that either that canal or the Rideau canal was a profitable speculation—[The *Chancellor of the Exchequer:* I have no such intention.] Well, then, *cadit quæstio.* If these railroads were likely to turn out profitable speculations, why not leave them to the spontaneous exertions of the landowners and capitalists of Ireland? If they were likely to turn out unprofitable speculations, let them consider the unfairness of what they were about to do. Let them consider the injury and the injustice which they were about to inflict upon the capital already invested in Ireland upon the improvement of its internal communications, by those who had trusted to their own energies, and who had never dreamt that they would have to enter into competition with the power and the resources of the State. He had thought it his duty to make these observations. It might be unpopular to resist this resolution; for that he cared not, so long as he was performing his duty. If they could convince him that this measure would be for the permanent improvement of Ireland, he would, at once, withdraw his opposition to it; but, if the employment which it was to give to the people of Ireland was only to be temporary, and was merely meant as an adjunct to aid the operation of the new system of Poor-laws recently introduced into that country, then he was convinced, that even if it did not work immediate harm, it would not work any permanent good. The employment, which arose from the natural course of events and from the spontaneous application of capital would confer more permanent advantage upon Ireland than the application of countless millions, which would only give employment for a time to the people of Ireland. But this was not all. He must repeat what he had said before, "if you once commence this system, you cannot confine yourselves to making only one line of railroad." Let the House, therefore, look cautiously before it. When it had sanctioned the formation of one line it would be difficult to discriminate between the various plans for the formation of other lines, which the future would soon bring before it. Why should it be called upon to form nothing more than the great lines of communication? The very first step which the House took in this direction would involve it in this consequence —that it must place all the railways hereafter to be made in Ireland in the hands of the Government, in justice to the parties affected by their first measure. On these grounds, viewing the consequences—the dangerous consequences, as he thought— which might result from this their first step—believing, as he did, that if peace and tranquillity and cessation from political agitation could once be introduced into Ireland, there would be an application of capital to its internal improvement from its own resources, as there had been in England—foreseeing that a grant of public money could not be limited and restricted to any single railroad—doubting as he did sincerely of the policy of departing from the general principle of not permitting the Government to interpose with capital in speculations which ought to be carried on by private individuals or public companies—he could not refrain from expressing thus openly his doubts whether the measure of the noble Lord, though it might be popular now, would, when judged of ten years hence, be considered as one calculated to promote the interests of that country, for the prosperity of which he professed the deepest anxiety, and for the benefit of which it was specially intended.

The *Chancellor of the Exchequer* said, that he would trouble the House with only a few observations on the present occasion, as the resolution then before the Committee was one on which a bill was to be founded, and when that bill was introduced, there would be several opportunities for future discussion. He could not, however, allow the present occasion to pass without assuring the right hon. Member for Tamworth —and he said it with the most sincere respect for the right hon. Baronet's high talents and character—that he had never in his whole life heard a speech which astounded him more than the speech which the right hon. Baronet had just delivered, coming as it did from an individual who had been so long concerned in the administration of Ireland, and who was therefore bound to know the principles on which his own Government and the Governments which were its predecessors, had proceeded. He prayed the Committee to recollect that the observations of the right hon. Baronet were not applied as against any particular system of forming roads, railways, or canals as lines of internal communication in Ireland, but that he had objected to the main principle now at issue—namely, whether it were just, wise, and expedient for the public, either by grant of money, or by vote of credit to interfere with private capital for the promotion of public works in Ireland. First, he would grapple with the general statement of the right hon. Baronet, and then he would say a few words on the question, as it affected this particular recommendation of the railroad Report. If there were one principle on which more than another every successive Government, since the first enactment of the union with Great Britain had relied for the improvement of Ireland, it was the application of the capital and credit of the former country to local works in the latter. The statutes, which had been administered by the right hon. Baronet himself during his residence in Ireland, as well as those which originated with the late Lord Oriel, when Mr. Foster, the statutes which were subsequently much extended by his right hon. Friend, the Member for the University of Cambridge, when Secretary for Ireland—all went upon the assumption of the principle that it was just, wise, and expedient, on a case being made out of general usefulness, that the capital of England could be legitimately laid out for the promotion of public works in Ireland. He therefore felt himself justified in asserting, that for the last thirty-eight years the principle of applying the capital of Great Britain in aid of local improvements in the internal communications of Ireland had been continually acted on; and that so far from its being a principle which was now for the first time brought into operation, as might be inferred from the speech of the right hon. Baronet, it was a principle which had been long tried and approved and adopted without complaint. Without complaint did he say? He should be under-rating his case strangely if he so restricted his assertion. The reports of various committees, year after year—numerous Acts of Parliament—nay, the public at large had recognized that principle as the source of great improvement and advantage to Ireland. To show that it must have so operated, he would take the very case on which the right hon. Baronet relied so strongly. He rejoiced, whenever he heard the name and success of Mr. Bianconi mentioned; but where, he must ask, would Mr. Bianconi have been had it not been for the application of the capital of England to the improvement of the roads of Ireland. There was not a single road on which a car of Mr. Bianconi's now ran that had not been improved by the application of the very principle against which the right hon. Baronet was that evening protesting. For proofs of that assertion, if they were needed, he would refer to the reports made to the administration of his right hon. Friend, the Member for the University of Cambridge, and more especially to the reports of Mr. Nimmo, the civil engineer, and to those of Mr. Griffith. Those reports set forth in almost every line they contained, that there would have been no adequate developement of the internal resources of Ireland, had it not been for the application of that principle which the right hon. Baronet now denounced. The right hon. Baronet seemed to think, that he intended or was called upon to defend the Caledonian canal and the Rideau canal as profitable speculations. He had no intention to do any such thing. He left it to the Members of the different governments who had patronised those works to defend both the one and the other, and had no intention to assist them in that difficult task. One of them was undertaken before he had the honour of a seat in Parliament, and the other was a work against which he had protested along with his noble Friend (Lord Stanley) on the opposite Benches, not only on account of the work itself, but also on account of the mode in which it had commenced and was carried on. He should therefore abstain from defending either of them, and would confine himself to the general question before the Committee. With respect to the proposition of the right hon. Baronet, that the State ought not to interfere with either its capital or its credit in undertakings which partook of the nature of private speculations, he must say, that as a general principle he concurred in it. Nevertheless, that general principle was limited by one great and important exception. Those who defended the expediency of the interposition of the State in such transactions were bound to prove the clear usefulness of the work, not to a detached portion, but to the generality of her Majesty's subjects. But even that proof if given, was not enough by itself. He admitted, that if the general principle were only thus limited, and if it might be applied, without further restriction, the capital of the State might be brought into competition perpetually with private capital. You must therefore prove, not only the clear general usefulness of the work, but also that the work itself could not be successfully carried on without the interposition of the State. Nor was that all. The interposition of the State must be limited within so strict a boundary as not to go beyond the exact point necessary to accomplish its object. Supposing, that it were conceded, that any work was one of great general usefulness, and that it could not be carried on by private speculation, then, according to the last of his three rules, the interposition of the State must be reduced to its *minimum* when made in the shape of a loan of public money, as it had often been made by the right hon. Baronet himself. Why, even such loans were an interposition with private capital; yet such loans had been frequent; and a loan was all that her Majesty's Government proposed in this case. Even in England money had been lent to railroad companies on the security of their works. In Ireland it was now proposed to be lent on much better security. For his own part he would much rather have a mortgage on the county rates of eight or ten English counties, if he could obtain it, than on the bonds or works of any railroad company whatever. Now, let the Committee consider what he had already proved. Not only had he shown, that the application of the capital of Great Britain had been useful to Ireland in making public roads, but he had also shown, that even in England public money, through the medium of Exchequer bills, had been furnished to carry on public works, including railroads here. He saw no distinction between the case of advancing money to make railroads in England, and that of advancing money to make railroads in Ireland, except that in the former case the advance of money was secured on their works and their private Acts of Parliament, and that in the latter it was proposed to be secured by a general statute on the rates of the counties through which the railroad passed. He now came to the question of the railroad itself. He should attach but little importance to this measure, if it were only to provide employment for the people of Ireland during the period of the execution of the works thus aiding the introduction of the new system of Poor-law into that country. He believed, that merely temporary employment of such a character might be productive of more evil than good in all other countries as well as in Ireland. He believed, that the temporary employment which the formation of the Caledonian canal created in Scotland, had not done any good to that country. He had been informed, that it had rather introduced into Scotland a number of Irish labourers than given any additional employment to Scottish labourers. If the employment so given ended with the work itself, it might even prove more injurious to a district than if it had not been given at all; but if the work not only gave employment during the time of its formation, but also led to the development of new branches of industry after it was completed, nothing could be more highly beneficial. Now, he might appeal to the Horsham case, to which the right hon. Baronet had adverted, to show the advantages which must accrue from opening, as it was proposed in this instance, great lines of communication, facilitating the export of produce and the import of manufactures, and accelerating the intercourse between distant places. The excellent roads made in the vicinity of Horsham had not only given temporary employment to the inhabitants of that district, but had also been productive of permanent benefit by the general traffic which they had called into existence. The same consequences would accrue upon the railroad now proposed. He appealed confidently upon that point to every Gentleman who was acquainted with the improvement of Ireland during the last ten years. He asked them, first, whether in any part of Ireland which they had visited, the improvements now visible there could have taken place within our times had it not been for the general improvement which had taken place in its road communication? He asked them, next, whether they believed, that that general improvement in its road communication could have been effected without the interposition of the State? He knew what their answer must be to such questions; and he therefore called upon them to profit by their experience of the past, and to apply it to these new undertakings. When the

Mail-road Acts were passed, the interposition of the State was not limited to an advance of money, but power was also given to the Government to undertake certain public works at the expense of the State. Now, he called upon hon. Members to compare the result of those works as completed by the State with what it would have been had they been completed by private individuals. If they had been left to the management of the grand juries of Ireland and to the country gentlemen to whom the right hon. Baronet had appealed, he would undertake to say, that the country would not have had the benefit of one-tenth part of the money which had been expended upon them. What had been the advantages derived under those acts to the country? First, it had secured the employment of the public money according to a scientific survey of all the roads. Next, when the roads were placed under the superintendence of the Government engineers, they had seen the work executed instead of seeing the money jobbed away. He was now referring particularly to the works executed in the south of Ireland at the public expense. He might also refer to what were generally called the Anglesea roads, and the works executed in the south of Ireland by Mr. Griffiths. Let any Gentleman compare the improvements which had been accomplished by them, and the economy which had attended the completion of them with the public works undertaken there by private individuals, and he would see immediately the benefit derived from the interposition of the Government. He would next call the attention of the Committee to the amount of the interposition of the State required by this resolution. It might be assumed from the statements of the right hon. Baronet, that he would not object to the measure on the ground of economy if he could be convinced of its general usefulness to the country; and yet though he did not expressly say so, it might be inferred from his reasoning, that the largeness of the grant of public money now proposed for this railroad was his ground for opposing it. Now, all that his noble Friend asked for at present was a loan upon unquestionable security, being a primary charge on the profits of the principal and the interest upon the money to be advanced on the works themselves; and if those profits were insufficient, secured upon the county rate. The only interposition of the State required was, that the State would advance its credit, and that the State should direct the superintendance of the works. All the public works carried on under the administration of the right hon. Baronet in Ireland were carried on in this manner by Government engineers, acting under the authority of Government. He could understand the right hon. Baronet's saying to the people of Galway, or any other place in Ireland, when a work of comparative insignificance, not costing more than 2,000*l.*, or 3,000*l.*, was to be completed, that he would leave it to their own capital and energy to complete it; but he could not understand the same language when the argument was to be applied to a public work which was to cost as many millions as the other cost thousands, and in which not only the capital, but also the amount of skill and scientific acquirement requisite to insure its success were of necessity so infinitely larger. He was rejoiced that no one had ventured to speak slightingly of the report, or to undervalue its recommendations. The commissioners were men of high character and talent. The engineers were selected fairly and impartially, and he had never heard it questioned in any quarter, that they were men of the highest eminence in their profession. Their opinion was, that the maximum of profit was 4½ per cent. Did the right hon. Baronet suppose, that capital was to be attracted for the formation of a railway under any circumstances where the profits were not expected to exceed that amount? The right hon. Baronet must know well, that if the State did not undertake the work, with only such a probable profit, individuals would not. The question was not so much whether they would sanction the proposition of his noble Friend, as whether they would say, that there should be no railroads in Ireland. That was the practical result of the right hon. Gentleman's principles. He wished the right hon. Baronet had to answer the general objections he had raised. If such objections had been brought against the right hon. Baronet for having, when a Secretary for Ireland, applied the resources of the State to the promotion of public works in Ireland, thus giving the weight of his authority to a system he found in practice—if anybody had then talked to him of the employment of private capital, had represented the absurdity of the interposition of the State, and the destruction of Mr. Bianconi's establishment, by the construction of mail coach roads—how powerful would have been the right hon. Baronet's remonstrances—how indignant his refutation! The right hon. Baronet would have said, "my system tends to promote these improvements and not to discourage them." He could by possibility imagine, that Gentlemen might say, that the public money would be better employed in improving the old communications of the country, than in making railroads, but to say, that you were under no possible circumstances—for that was what the right hon. Baronet's argument amounted to—to advance the credit of the State for the promotion of public works, was contradicted by the whole experience of the last 38 years, and by the practice of the right hon. Gentleman himself.

Mr. *O'Connell* thought there was one objection of the right hon. Gentleman which had not been answered by the Chancellor of the Exchequer—that which related to the limited nature of this grant. The right hon. Baronet had very distinctly shown that they could not avoid taking under their protection all the railways, if they agreed to this grant. That was exactly his objection. He thought it unfair to the rest of Ireland, that one particular line should be adopted, especially as they were not asking a shilling of the public money. It had been a very common practice to vote absolute grants for the formation of public works; half the expense of a road had often been defrayed by the public; but here no grant at all was asked, nothing was sought but the security of the public credit for raising the money. The fee simple of every county in Ireland was mortgaged for its repayment. The right hon. Gentleman (Sir Robert Peel) said, that what Ireland wanted in order to have these railroads made was tranquillity, and what was the instance he had adduced to prove the success that might attend the efforts of private speculation. That of Mr. Bianconi, who had laid out his capital in Tipperary, which was said to be the worst and most disturbed part of Ireland. Certainly Mr. Bianconi deserved great credit, and ought to have had the protection of Government. Now, he would tell them how Mr. Bianconi had been protected by the Government to which the right hon. Baronet belonged. That Gentleman was struggling into the world, taking stations for stables for his horses, when one of the men he employed quarrelled with him, and he refused to give up a particular station, telling him he was an alien, and had no right to it. The parties went to law; the case came before him and he told Mr. Bianconi, that it was quite true, if he were a Protestant he might have some chance, but he was a foreigner, and a Roman Catholic, and, therefore, an alien. He advised Mr. Bianconi to apply to Government. saying, that they would give him letters of denization, that he was a useful fellow, and would certainly get them. Mr. Bianconi did apply to Government, but did not get them, The right hon. Member for the University of Cambridge (Mr. Goulburn) was then Irish Secretary, and would not entertain the application. Mr. Bianconi applied no less than three times, but he did not succeed in getting letters of denization, till Lord Grey's Government came into office. There was encouragement to improvement! After the right hon. Gentleman's eulogium on Mr. Bianconi's industry, the fact spoke volumes, by way of contrast. The real question now before the House, was, whether they were to have railroads in Ireland at all or not. The right hon. Baronet suggested, that there was intelligence, ingenuity, activity, and patriotism enough in Ireland to make railroads without the assistance of Government. There was all this, but there happened to be wanting one essential ingredient to the construction of a railroad, which the right hon. Baronet had not enumerated, namely, money, and there was none in Ireland, to make those railroads. They had made, and were to make, about 100 in England, and how many were there in Ireland? Only one; and what was its length? Seven miles. During the eight years in which they had been making railroads in England, laying out millions on millions, Ireland had been able to make but one. And how was that completed? 80,000*l.* had been advanced by Government, or it would not have been completed at all. He knew, that others were going on the north; and of one of them, the Armagh railroad, he could speak from his own knowledge. That company had applied to Government for a loan of 20,000*l.*, and had not been able to get it. Private money had not been able to make a single railroad in Ireland. It was but the other day, that one of the subscribers to the Armagh railroad complained, at a public meeting, that Government had promised them a loan of 21,000*l.*, and not granted it. It was quite clear, then, that it was not private speculation that was to make these railroads. Sums had been advanced in aid of railroads in England as well as Ireland; but was it fair to make roads with the public money, of which all the profits were to go to individuals? If such a speculation in this country succeeded, private persons would reap all the benefit. Government money was lent, that private individuals might make large gains. But here it was proposed to lend money to the Irish public, not to individuals. Public, not private, interests, would in this case be benefitted by the increased facilities of communication that were proposed, and the roads would be public property. Experience had shown, that they had not capital in Ireland sufficient, and could not get it; but if they had been unable to procure it hitherto, when great expectations had been held out to capitalists, what prospect of success had they now, when experienced commissioners had reported, that four and a half per cent., was the highest rate of profit, that could be raised on these roads in Ireland? Was there a single capitalist who would risk his capital with the chance of a total loss and no greater profit than this? Would any one go to the Stock exchange, taking the report of the commissioners in his hand, and accosting some wealthy capitalist, say he could show from this document, that if he advanced his capital for the construction of an Irish railroad, he might, possibly, get a return of four and a half per cent., some years hence. Why, the proposal would be met with ridicule, the person would be laughed out of the Stock exchange. He looked on the report as conclusive against the scheme of constructing railroads in Ireland from private sources. If Government did not take up the subject Ireland would be left with no railroads at all. He was very far from admitting, that they had acted wisely in England in giving to private individuals a monopoly of these great highways. If there were one principle in law better established than another, it was that every possible accommodation should be given to passengers on the King's high road—that it should be free to all. When the road from Horsham to London was first cut, it was the King's highway, open to all; when it was laid with gravel, at the first stage of improvement, it was still the King's highway; when, in the further progress of improvements, it was Macadamized, still it was the King's highway; but another step was made—railways were invented, and they ceased to be the King's highways, and public property. They were locked in the bonds of private monopoly; and now, day by day, the charges were increased, more impediments were thrown in the way of travellers, and regulations were passed, compelling persons who wished to have their private carriages transported by railroad, to sign an agreement undertaking, that if the carriage were injured accidentally the company should not pay for it; if it were injured by the misconduct of their own servants, they should not pay for it. Thus a power was given to monopolists against the public. It might have been too bold a measure for any Minister to propose to Parliament to lay out 10,000,000*l.*, in the speculation of constructing a railway from London to Liverpool; but if any Minister had had the courage to do so, would not the public now be immensely advantaged? Moderate tolls would in that case now be levied instead of exorbitant fares, infinitely more exact care would be taken by public servants liable to punishment if they neglected their duty and the railroads would be the King's highways, as other roads were. Other governments were taking this view of the question. There was not a freer constitution in existence than that of Belgium; the government of that country had taken this course with safety and success, and was lowering the tolls. But they should take a lesson from the other side of the Atlantic. Who had made the great canal from the Atlantic to the northern lakes? The government of the State of New York. Who were making railroads in every State of the Union? The States themselves. The government of the States. The plan there adopted instead of being a detriment to the country, had lessened the public burdens. It might happen, that there would be a surplus, and, of course, that surplus would belong to the country. Whether railroads succeed or fail, in Ireland, there could not by any possibility, be a loss to the English people by advancing the money. A great deal of what had been said by the right hon. Baronet, was based upon the speculation, that there must be a loss, but it was most fallacious. He could assure the House, that if they did not allow the resolution to pass, there would be no railway in Ireland. A public highway, as a railway was, ought not to be a private speculation. A railway had no reference to a cotton factory, or any other private speculation. It was a public highway, and, therefore, ought to be under the control of the Government. He was not then begging for Ireland, for Ireland offered complete and ample security for all the money she asked for. She offered the security of all the county rates in the district through which the railway passed. "We only want," said the hon. and learned Gentleman, "we only want the use of your credit, as you have taken very good care, that we shall have none of our own. Surely, when the picture, painted so truly, by the noble Lord is now before you, I may call upon you for some sympathising feeling for Ireland before you vote against such a resolution. He trusted, that the resolution would receive the sanction of the House.

Mr. *Hodgson Hinde*, though he fully agreed with all that had been said as to the integrity of the commissioners, still there was one point in their report which he viewed with suspicion, and that was the estimate of 10,000*l.* a mile as an estimate of the whole of Ireland—an estimate much smaller than any that had yet been made in England. It was quite true, that labour was much cheaper in Ireland than in England; but he had attended most particularly to the statements made by the noble Lord, and so far as he recollected, the only railway completed in Ireland—the Dublin and Kingstown Railway—had cost no less a sum than 41,800*l.* With that precedent before him, he could not believe, that railways could be executed in Ireland for the small sum of 10,000*l.* a mile. When it was calculated that four-and-a-half per cent. was to be obtained upon what he considered a very inadequate estimate, he could not agree in the vote then under the consideration of the committee. If the House was prepared to pass the vote, he, for one was not prepared to agree to it.

Mr. *Lynch* begged to set the hon. Gentleman who had last spoken right. The expenses of the Dublin and Kingstown Railway were no doubt great, but that was because the land required for the undertaking being in the neighbourhood of the capital, was of course much dearer than that required for a railway in the country. For such an undertaking as the one then under consideration, it must be remembered, that labour in Ireland was much cheaper, and that the land required was much lower in price than any that was required for a similar undertaking in England. The hon. Gentleman had said, that by-and-by there would be an application from the counties of Ireland for relief, but he would tell him, that Ireland had often borrowed money from England, and had never yet asked to have it converted into a gift. He had the evidence of Sir John Barrington before a committee of that House, that England never lost a farthing by the advances she had made to Ireland. He agreed with the noble Lord (Morpeth) that the commissioners had acted with strict integrity, but he considered, that they had not acted according to her Majesty's commission, for they ought to have reported on railways throughout Ireland. It was his intention to vote for the present measure, even though it did not extend to the part of the country which he represented. If the south-west were improved by the establishment of railroads, then the west could come to that House and with confidence ask for assistance. He understood from the noble Lord, that individual enterprise was not to be stopped by this vote, but suppose that individuals were willing to make a branch to join the main line, would they be allowed to participate in any of the profits of the grand junction? He was glad to hear, that the Government had postponed the northern line, for he thought there ought to be only one line from Dublin, with branches to all the large towns, the main line at all events ought to go as far as Cork.

Mr. *O'Brien:* As the Chancellor of the Exchequer and the hon. and learned Member for Dublin had so well answered the objections taken to the vote by the right hon. Baronet (Sir Robert Peel), it was unnecessary for him to travel over the same ground. The question was, whether railway enterprise should be encouraged in Ireland, but before he proceeded to that part of the case, he begged to set the right hon. Chancellor of the Exchequer right upon one point. He was prepared to deny, that all local improvements were assisted by Government aids—concurring in the vote as he did, he must express his sorrow that it was not made universal. He did not believe, that there would be a much greater difficulty on the part of the Government in undertaking a general railway system for the whole of Ireland, than for one great line. The proposition of the noble Lord involved an important principle—namely, whether or not Government were a proper authority to undertake the construction of a railway instead of private individuals, and that being decided by the noble Lord in the affirmative, if the Government could undertake a line for the north, he did not see why it should not for the south and western districts. He had a great respect for the acquirements, zeal, and talents of the railway commissioners, but he could not account for the omission of the western provinces in their report; for he thought, that a line passing through Athlone into the west of Ireland, would produce a large remuneration, when compared with the lines projected towards Enniskillen and Cork. He trusted, that the railway commissioners would give the natural finish to their able report, by furnishing the Government and the public with surveys of lines for the western districts. It had been already shown, that railways had caused an increase of travelling four-fold and tenfold on the Continent and in this country. He did not see why they might not assume an equal increase of traffic for the lines in Ireland. He felt it his duty to return thanks to the Government for their scheme, and his advice to his constituents, who were directly concerned in this measure would be, to accept the accommodation on the terms proposed.

Mr. *H. Grattan* also supported the measure, on the ground amongst many others, of the Government being better able, in Ireland especially, than private companies to meet the vast preliminary expenses of railways. The expense in one case had been as great as 18,000,000*l*., for the mere purchase of the land necessary to make the railroad. He would say, that the people of Ireland were entitled to this measure, for English capital was expended for Ireland, and Irish capital was expended for England. Why should not Government aid public works in Ireland as well as it had assisted the Rideau and the Caledonian canals? But Ireland had always been disregarded when she came forward for aid from England in such national works. When the late Mr. Leader applied for a grant for the improvement of a great district in Kilkenny, the answer he got was, "Ireland wants nothing but peace and tranquillity." This was the answer we had heard for the last eleven years, and which had been given upon any application for 100 years before. Now, in his neighbourhood there was a manufactory of his own, and there was peace and tranquillity, and the best opportunity of investing money; but English capitalists preferred investing their money here. The fact was, this country had always been taking capital out of Ireland. There were quit rents amounting to 70,000*l*. a-year, and the Fitzwilliam, Devonshire, and other estates, supplied to absentees 300,000*l*. He could prove the amount to be much greater. Indeed, he had heard from good authority, the absentees drain from Ireland estimated at 3,000,000*l*. Then he would say as an Irishman, "Give us back some of this. We want the railway grants not as a gift, but as a loan." The right hon. Gentleman protested against Irish jobbing. But did he not himself, when Secretary for Ireland, pay 13,000*l*. to Lord Trelawney? Let this country now pour its capital into the sister country. Let them encourage and develope its fertile resources, and Ireland would become the unfailing granary of England, as Sicily was once of Rome. He hailed the present measure as one of great utility to the people of Ireland, and he begged to return his sincere thanks to the noble Lord for having brought it forward. The English capitalists would lose nothing by it, and it was calculated to do great good to Ireland. The noble Lord had alluded to the tranquillity of Ireland. He trusted that the present measure was one of the first steps to the permanent attainment of that desirable object.

Mr. *Lucas* said, that the noble Lord had not given to the Committee a clear indication of the course he intended to pursue as to the northern and western parts of Ireland. The noble Lord had mentioned incidentally that there were two Acts in existence for lines between Dublin and Belfast. He wished to know what course the noble Lord intended to take in case private individuals proposed to make those two lines into one, from Dublin to Belfast, because then it would not be a commissioners' line. He wished also to know what course the noble Lord intended to pursue with respect to the west of Ireland. He knew that the noble Lord did not propose to lay out any money in the west of Ireland, but would he forward or oppose those who were inclined to lay out their money in the west? It was perfectly well known that there were many rich individuals who were ready to advance their money to proceed with the despised line. He thought it was necessary that the noble Lord should give the House some indication of what he proposed to do. Belgium and France were in advance of England in the construction and management of railways; in those countries there was no danger of the public being sacrificed to the interests of the railway companies, because he believed that in every scheme for the construction of railroads assented to by the Government of those countries, there was always a proviso with respect to the maximum of fares. He considered that it would be highly advantageous if some such provision were introduced into the Railway Acts in this country. He trusted the noble Lord would inform the House what he intended to do with regard to the western line and to the northern line, for which Acts had been obtained.

Mr. *Wyse* could not understand why the branch line that was to go to Clonmel should stop there. He could not see why it should not go to Waterford. Perhaps the noble Lord when he again addressed the House would state upon what ground it had stopped there.

Mr. *W. Roche* said, that elaborately argued as the question was, he did not mean to protract the debate beyond a few minutes, but he could not refrain from expressing his apprehension that unless the initiative in this measure be taken up by Government, and under all the advantages of intelligence, influence, system, and resources, which they can bring to bear on the prosecution of these undertakings, every thing will be confusion waste of time, of money, and ultimate failure of arriving at any truly national or judicious plan. If it be left to private speculation, in so poor and inexperienced a country as Ireland, years may elapse before she reaps any solid benefit, and then probably not till after great waste of time and money in correcting errors and defects, and the mischiefs of consulting personal rather than the general interests. Even in rich intelligent England it was admitted that serious disadvantages had ensued, and would ensue from "joint stocks," or "company" monopolies in the railways of this country, as well as an immense waste of expenditure. A good deal had been said on the score of peace and tranquillity in Ireland, but what could more conduce to those desirable results, than quickness of intercourse and frequency of communication, as well as the employment, the industry and prosperity which facility of intercourse always and rapidly produce, nor could any country testify to this more conspicuously than Ireland, where every new road and improvement have produced, to use an expressive word of the noble Mover of this measure, marvellously happy results. He thought Belgium quite a case in point as regards the economy, rapidity, and judgement, with which these undertakings can be effected, when conducted by the ruling power and solely for the public interests. And sure he was, that one ten years, or even five, after the accomplishment of this improvement in Ireland, will the advancement of that country, physically, morally, and even fiscally, go near restoring to England herself in increased commerce, and to the imperial revenue, in increased resources, any advantage thus conferred. But will not England, at once, participate in the utility of the line now prescribed, by rendering so much safer, cheaper, and quicker, her immense intercourse with the whole western world, which besides the various other motives of preference to this line as a commencement, so strongly call for, and justify the choice. For the sake therefore, not only of Ireland but of England, he hoped this proposition may experience the support it merited.

Mr. *Ashton Yates* believed that the report of the Commissioners showed conclusively that the people of Ireland would not advance in prosperity, and increase in wealth, unless the plan of the Government was adopted. He, therefore, should feel bound to support it. He thought the Government were fully justified in bringing forward that plan, because it would not interfere with vested interests, either in canals or railroads. He did not think it possible that such a system of railroads as the welfare of Ireland required could be established by private exertions. It had been found that capital could not be raised even in England for the completion of most of the railroads now in course of formation in that country. Very few of them were likely to yield profits sufficient to tempt speculators. Large sums of money were transmitted to America for the construction of railroads. Because six per cent. interest was given and a security of Government pledge. He believed, that the object of railways, if attained at all in Ireland, must be effected by the aid of Government. He saw no greater reason why the Government of this country should not enter into such enterprises than the Governments of France, of Belgium, and of the United States. The wretched condition of the peasantry in Ireland was most lamentable, yet their patience was beyond all praise, seeing that they were dying by hundreds, aye, almost by thousands, through the cruelty of hard and unfeeling landlords. In Carlow alone three thousand men had been turned out without a bed on which to lay their heads. The hon. and reverend Baptist Noel in the course of his travels through Ireland, had discovered that the miserable condition of the peasantry was the cause of the outrages which were unhappily so common; and that honest Quaker, Mr. Binns—sent by Government—as an Assistant Commissioner on the Poor-law inquiry, summed up his report by saying that it was natural the peasantry should resent such cruel neglect. His opinion was, that unless you gave employment to these peasantry, they would remain in their unhappy condition; and as a means of promoting thatdesirable object, he should support the bill recommended by the noble Lord.

Mr. *Hume* wished to make a few observations on the motion before the House. He was satisfied that the observations made by the right hon. Baronet the Member for Tamworth, in respect of what the Government would have to do if they now began the work proposed, were deserving of serious consideration. The House would recollect, that this was the first time that it was about to undertake as a public work what had hitherto been considered as a commercial speculation. It behoved them, therefore to consider well to what extent the plan was to be carried, and what means were to be applied to carrying it out. A suggestion had been made by an hon. Member on the second bench (Mr. Lucas) which he thought extremely well deserving of the attention of her Majesty's Government. Coupled with the observations of the right hon. Baronet, it appeared to him to hold out a prospect of having accomplished all that the Government meant to do, and at the same time of satisfying the country. He was quite sure that the Government after beginning once could not stop short with one line. They therefore should be prepared to do more. The people expected more, especially after the survey of the whole country which had taken place. With respect to the plan before the House, the utmost opportunities should be given for receiving suggestions from different parties, with a view of carrying it completely through. He thought, that whilst railways were making such progress in every part of the civilized world, Ireland could not be without them. It was impossible that Ireland could be left without the means of quick communication, when other countries were to so great an extent enjoying, or about to enjoy that advantage. The question, therefore, was, in his opinion, specially pressed on the Government. Government must take up the subject, that Ireland might keep pace with this country, as well as with other countries. But then came the question, how was this to be done? whether the people of England, Scotland, and Ireland, were to be called upon to undertake this work for the benefit of one part of the country, whilst Scotland would have equal claims. He did not say this to discountenance the proceedings which were necessary to be taken, in order to have railroads in Ireland. He said it in order that her Majesty's Government should consider the means they were to use before they began the work. He thought he understood these means were to be a new advance of public money. The credit of the Government was to be used to make this advance, and on the faith and strength of the report of the commissioners, her Majesty's Government expected a return of four per cent. If that return were certain, or anything like certain, he did not believe that any man in the House would, for an instant, oppose the advance to Ireland, with a view of promoting such great good as might be done to Ireland by the establishment of these roads. But the noble Lord must bear in mind, that before they commenced, it was better to calculate the cost of the whole, and the amount likely to be called for, before taking the present step. It would be highly unjust to look hastily at the map, and determine to carry a line to two or three places, and leave out other places equally important perhaps—at least equally important in the opinion of the parties living in the district. It, therefore, appeared to him absolutely necessary, before the measure was proceeded with, to ascertain all the bearings of the plan to the satisfaction of the House. Allusion has been made to Belgium. He happened to be in Belgium in 1833, when the railway question was under consideration. It became a matter of grave debate there, whether the Government should undertake the railways, or leave them to private speculators, as they were left in England. He could tell the House what had decided the course which the Government took. There was no want of capital in Belgium any more than in England. There were all the requisites for a successful speculation, provided the country was in a state of peace and quietness, such as to satisfy parties having capital, that they might safely advance it. But there was an army on each frontier. It was impossible to say, that within three, six, or twelve months, war might not break out, and on that account it was deemed impossible to obtain, by private speculation, capital enough to carry on the work. The Government, therefore, saw themselves in the situation of being unable to undertake the work at all, unless they undertook it as a government speculation. It was, therefore, adopted as a government speculation, there being no private individuals to undertake the risk. He thought this was something like the state of Ireland at the present moment. He wished to know, whether there was any want of capital in that country? None at all, if it could be shown, that it might be applied with security and safety. An hon. Member had stated, that capital was flowing to the United States very rapidly. He knew it—many millions of the capital of this country were going thither. He could not then state the precise amount that had been applied to railways, and other improvements, in the United States, but it was considerable. Within three months Carolina had borrowed from half a million to a million of dollars, to make improvements in every district. In every state money had been borrowed from England, and applied in a way similar to what was now proposed for the improvement of Ireland. When every country was thus benefitting by the application of English capital, it did appear to him matter of serious consideration, whether if the credit of this country could be applied to promote the same objects in Ireland—although in a way opposed to the rules which had been heretofore observed—whether it might not be sound policy and wisdom to make the attempt. But, in doing so, he thought they would risk serious loss, and the stoppage of the work, if they did not take under their view, and make up their minds as to the extent to which the Government ought to go. To stop at this single work was out of the question. He did not believe that the measure could even go through the House with such a limitation. Let them, therefore, see the measure the Government proposed. Let them see the security proposed to be given in case of failure. Let it be seen whether the parties who, it is said, were to become securities, were willing so to bind themselves. He had heard from different quarters, that what the noble Lord had promised, namely, security from the counties, the counties would not be willing to give. He had seen certain statements emanating from public meetings in Ireland, professing a willingness fairly to come forward and advance money towards that object. And he should hope that, considering how it would conduce to the general interests of the country, and what great advantages so many particular districts would derive from railways, there would be a readiness to make sacrifices towards the accomplishment of the work. If it was wisely undertaken—not as public works had been heretofore, in which every species of jobbing and mismanagement of the public money was practised, but conducted by a separate department—a department free from the influence which had hitherto directed the public money into wrong channels; in such case, he believed it possible that there might be security for the proper conduct of a work of so great national importance. Its importance was not confined to Ireland, for England was interested in the prosperity of Ireland. He did think, then, every man in England, who considered the relative situation of the countries, would agree with him, that the prosperity of Ireland would be an addition to English wealth, and would add to the security and power of England; and he believed, that they would be willing, by every means in their power, to forward the great measure now proposed, if they were satisfied of the propriety of the means by which it was to be carried into effect. But, then, it was right that the measure should be placed before the country, and that the country should understand the terms and conditions on which

British credit was to be pledged. He would tell them why. Because, in similar instances heretofore, faith was not kept with them. The Irish had not kept faith with them. Very true; it was the Church. There seemed some fatality attending the Church, that it was always connected with some mischief. When the million loan was advanced to the Irish Church, the amount was to have been repaid. But it was given up. Why? Because they were told they could not have it back, and that they might just as well make a gift of it. After that advance had become a grant, it should not now be left open to hope that this might also be converted into a grant. He should like to see the system of railroads carried to the fullest extent in Ireland; but, as Ireland was the principal gainer, Ireland should be the guarantee against loss. In such a case, he should be very sorry to throw any difficulties in the way. He thought, that before proceeding to take any steps, they should ascertain how far Ireland was satisfied with the limited extent to which they proposed to go, and also what amount would be required for the execution of the whole work. He agreed with the right hon. Baronet, that the Government must in their place become proprietors of the roads throughout all Ireland. He did not believe it would be prudent to make any grant, unless they were prepared to go through with the whole. In conclusion, he would say, that he thought the question of immense importance to both countries, and he wished to know the full intentions of Government in regard to it. If wisely carried out, it might be productive of the greatest possible advantage to Ireland and to this country; and on that ground he would not let technical or trifling objections stand in the way of giving it his support.

Sir *R. H. Inglis* said, that during the speech of the hon. Member for Kilkenny, he found himself agreeing with every alternate sentence. He could not help thinking, that in one part of it he had spoken as the Member for Kilkenny, in another part with the natural and hereditary caution of the Member for Montrose; and in another, as the late Member for Middlesex, with an eye to the interests of the people of England. Seeing the hon. Member for Dublin opposite, he would take the liberty of asking what security the people of England would have on the adoption of the proposition before the House for the repayment of the grant which it involved, if the hon. and learned Member's darling measure should be carried—the repeal of the union. He certainly did not believe that that question could be answered in a manner satisfactory to the English people.

Mr. *O'Connell* rose, and said: Sir, the hon. Baronet must be hard to satisfy, if I do not satisfy him. I solemnly pledge myself to introduce a clause into the Repeal Bill—making it a debt on the Irish nation, and by pledging not only the counties that will be pledged by this Act of Parliament, but the entire kingdom, to the repayment of that debt. And I beg to remind the hon. Baronet, that the Irish people have never yet broken faith—but faith has been often broken with them. Those whom the hon. Baronet represents, and to whom he is attached, have broken the most solemn treaties, entered into for a valuable consideration—have broken them, too, with a most indecent violation of faith. In none of the treaties that the Irish made with England, were they guilty of a breach of faith. My hon. Friend, the Member for Kilkenny, indeed, has said, that they broke faith about the million—they did not. When that vote was before the House, I said, that not a farthing would ever be repaid. The promise I now make I shall perform with equal punctuality.

Sir *E. Knatchbull* said, it was quite true that the hon. and learned Gentleman had said, that of the million not a shilling would be repaid. He only feared a similar result, if the present plan were adopted. If two millions and a-half were granted now, they could not calculate on an expenditure of less than eight millions ultimately; and for this the land was to be a security. When the land was called on to repay the advance, he did not believe that one farthing would be paid. He entirely concurred in the opinion, that it would be infinitely better to rely on the private exertions of individuals, than leave the plan in the hands of the Government. He had no hostility to Ireland. He would grant two millions ond two millions more, if peace and tranquillity could by such means be restored to that country. But as for the present measure, if it came to a division, he must vote against it.

Mr. *Slaney* would support the grant. He had gone through the country through which it was proposed that these railroads should pass, during the last summer, and he wished that hon. Gentlemen opposite could have seen the misery existing among the population of that part of the empire, he did not think that there was anything in the south of Europe at all equal to the misery existing in that part of Ireland, and this was in the county of Tipperary—a county not poor by nature but of exuberant fertility—where the soil was as luxuriant as that of any county in England—but where the people were in a state of absolute destitution from want of employment. He did not wish to treat the subject as a political question. The disturbed state of Ireland was produced by agrarian distress; this agrarian distress was occasioned by the people being unpaid, and in many places out of employment, and out of this originated agrarian disturbances. If employment could be found for this population—not merely temporary, but permanent employment—he would ask if they were not taking the best means for tranquillizing, the country? What was it, he would ask, that prevented English capital from flowing into that country? The want of tranquillity. Were they not, then, by assenting to this grant, doing that which was for the good of Ireland—by furnishing employment to the population, and consequently tranquillity to the country? Was it not better to spend this money in the tranquilization of this country by finding employment for the population, than in paying police and troops? He would just mention to the House the rate of wages in that part of Ireland. In some instances they were paid 7*d.*, in others 6*d.*, and in others as low as 5*d.* per day. He would ask hon. Gentlemen whether they did not consider that any measure that would tend to introduce English capital into Ireland would be for the benefit of that country? This measure tended to give employment to the population—security and tranquillity would be the consequence, and security and tranquillity being once obtained, pivate capital would flow into the land. He should therefore support this measure, believing it to be for the good of Ireland, even if he thought they should not get back half the money advanced.

Sir *George Strickland* was anxious to support the Government, and he hoped the House would not come to a division on this subject as he should have some difficulty in giving his vote. He could not but recollect that this vote was probably only the beginning of an expenditure which might perhaps, eventually lead to several millions, and that he should have to account for his vote to his constituents. He could not but recollect the great difficulty he had experienced in explaining to the satisfaction of his constituents his reasons for consenting to the vote of 20,000,000*l.* for the purpose of getting rid of negro slavery; and he did not think, considering the immense amount of our public debt, that a vote of the nature of the one now proposed would be allowed to pass without the strictest scrutiny. He did not think that this measure would be so advantageous to Ireland as had been imagined. Railroads had been of great advantage to England by finding employment for a large amount of capital. He could not see why the plan adopted in England should not be followed in Ireland with equal advantage to both countries, and thereby English capital would have the advantage of employment, and Ireland would derive the advantage of having English capital drawn into it. What Ireland wanted was, not capital, but security. Ireland wanted nothing so much as good government—which she has been without for centuries. If security could be obtained for Ireland she would be as prosperous as England is at present, as England ever was, or as England ever can be. But he did not believe it was necessary to go back to the old exploded systems of the Continent, of the Government undertaking all national works. If they imitated Belgium he did not see why they should not imitate France, and have the Government interfering in every speculation. He hoped the question would be allowed to pass without any division, so that they might have an opportunity of well considering the question before they came to a vote, and of seeing what the public opinion was on the subject. If they laid out 2,000,000*l.* that might be followed by an expenditure of 8,000,000*l.* Certainly Members on both sides of the House had said, that if they commenced the speculation they must go through with it. All Government speculations turned out failures, whether in regard to canals in Scotland, or canals in Canada, and he hoped they would pause before embarking in a speculation of this sort.

Viscount *Sandon* remarked that if the subject for consideration was this, that spreading railways over Ireland could positively tend to improve the condition of the country, he was sure that no man would oppose it, however little likely it was that the money expended in attaining so desirable an object ever would be repaid. Their first consideration, in his opinion, ought to be, whether railways were peculiarly adapted to forward the interests, and bring forth the resources of Ireland. He believed that railways could not be made of peculiar advantage to Ireland. What were the peculiar advantages of railways in this country? Were they used here as conveyances for agricultural produce? Were they much used for the conveyance of heavy produce? No; and yet what was the produce of Ireland, but heavy commodities? What was it but agricultural produce? These were the only things which could be brought on railways in Ireland, and they would not be much used for travellers. It was putting the cart before the horse — it was wearing a frill before they had the shirt. Why was not money asked for improving roads, and carrying roads to distant parts of Ireland, in order to open up all its resources? Let this be done, let money be asked for that purpose, and he was sure that Englishmen would not object to it. The greatest good could be done in that way, and sums to effect so desirable an object would be nothing in amount to that which was now required for railroads. It was only two or three years ago, that a sum of 150,000*l.* or 300,000*l.* was asked of the House for the improvement of the river Shannon, and opening the resources of not less than ten counties. Now, when that proposition was made, the right hon. the Chancellor of the Exchequer threw every difficulty in its way, and offered every opposition to an inquiry on the point; and yet when a measure of this kind was proposed he offered no difficulty, even though so large a sum was required. If they once began, he was quite sure, that they could not stop at an expenditure of two millions and a half. If once Government began with railroads in Ireland, they would be compelled to carry them into places where the boldest calculator would not venture to promise a return. On whom, then, was the burden to be thrown? Was it on the counties of Ireland, who derived no advantage from railroads? In case of failure would they be able to bear the expense of so large a grant? What advantage, for instance, would it be to Cork or Donegal to have a line run from Limerick or Clonmel? Why should they pay for an advantage which, at best, could be but very minute? If her Majesty's Government proposed an extensive measure for real and tangible improvement for Ireland—if they proposed to open the great water resources—if they proposed to open the Suir, the Barrow, and the Shannon—if they proposed to open the resources of Connaught, then the House, he was sure, if such a proposition were made to it, would have no objection to enter into the consideration of a grant for those purposes. The vote now proposed for so extensive a grant arose entirely, in his opinion, from the mania of the day for railroads. He confessed, that he thought they ought to have ample time, before they embarked upon a plan which, in his opinion, would be attended with very doubtful advantage to the country they wished to benefit. Unless they were prepared to affirm their concurrence in a general plan similar to that proposed, which should extend to the whole of the British empire, they ought not to take the first step, at least without due consideration. If they made a grant to Ireland, why were they to refuse it to Scotland, and why declare, that they would not assist that country in her public works. In England it was to be remembered, that profits were not made upon railways by the conveyance of heavy goods, but on passengers, and the carriage of goods which were small in bulk, but of considerable value.

Captain *Jones* observed, that the noble Lord had spoken of counties giving guarantees for repayments. He wished to know whether a consent to that effect had been obtained, and then if the noble Lord had made a calculation how much the counties would be answerable for? Suppose 180,000*l.* a year was to be imposed upon ten counties, it would amount to 16,000*l.* or 18,000*l.* a year on each. He wished to know whether it was likely or not such a sum would be repaid?

Mr. *Ashton Yates* remarked, that on the Liverpool and Manchester Railway a great profit was made in the traffic of heavy goods.

Viscount *Sandon* understood the directors of that railway to have said, that they were willing to give up that species of traffic, and to cease carrying coals and other heavy goods. It was on particular contract, that heavy goods continued to be conveyed.

Mr. *Ashton Yates* said, it was stated a few days ago, in the proceedings of the London and Southampton Railway, that they were on that line carrying goods to a very great extent. The carrying of coals, too, on the Manchester and Liverpool Railway was increasing every day. That, he was sure, would not be the case if the railroads did not profit by it.

Lord *John Russell* had only a few words to address to the House upon this subject, and they were chiefly intended as a reply to the noble Lord the Member for Liverpool. His noble Friend had seriously maintained that agricultural produce in Ireland would not be carried by railroads, and, therefore, they could not be profitable. He hardly thought that his noble Friend could come justly to any conclusion of that kind, when the commissioners who had devoted so much time and attention to this, and who, looking to the traffic likely to take place, contemplated that the railroads would produce four and a half per cent., after all expenses. His noble Friend made a calculation—it might be an erroneous one—but it was not to be supposed that on the first night they sat and discussed this subject, they were to set aside the calculations that had been made, and to act upon the supposition that agricultural produce would not be carried on railroads. He believed that some kind of agricultural produce at least could be so carried; and his noble Friend, he was sure, must be mistaken when he affirmed, that much of the produce of Ireland could not be profitably carried by means of railways, if they were established between Dublin and Cork. The fact was, that agricultural produce was so carried and to a very considerable amount. He wished likewise to advert to the arguments of his noble Friend, as to the advantage to be conferred upon Ireland from the establishment of railways. He could not imagine how any man was to suppose that these railroads existing in Ireland, and that they were used as a means of traffic, that no advantage was also to be derived from them in importing the blessings of civilization in that country. Railroads had been said to be a means of traffic unsuited to a country in the state of Ireland. He really believed, that railroads were carried into some parts of the United States of America, which were far more wild than many parts of Ireland. It was said that this proposition was brought forward in consequence of the present mania for railroads. This certainly was the most expeditious mode of travelling from one place to another. The highland roads were undertaken in the last century, and he said that the benefit derived from them, even though they did not pay their expenses, were sufficient to encourage them in undertaking railroads in Ireland. There had been already a great deal of discussion upon this matter, and he must request them to consider that other opportunities of considering the proposition made to them would occur, he called upon them calmly to consider it, and to weigh the plan maturely before they decided respecting it. Let it not be affirmed that if this plan failed, of which it might also be said, that it was a plan which offered considerable advantages, and that tended to the improvement and civilization of Ireland, it had been defeated by the prejudices of the Assembly to which it had been submitted.

Sir *David Roche* remarked, that in the canal to Limerick the traffic was very considerable at present. The agricultural produce that was now conveyed for 20*s.* the ton by the canal, would be carried for 16*s.* the ton by railroad, which would bring it so much more expeditiously to Dublin. There could be no doubt, that considerable profit would be derived from this species of traffic.

Viscount *Morpeth* had already occupied so much of the time of the committee in the beginning of the evening, that he assured them he should be very short in trespassing upon their time again. Some censure had been cast by very grave authorities on the plan he had proposed. Some had said that the plan did not go far enough, and they had objected to him that he did not take more in hand at once. He should not be sorry to find that the successful issue of this experiment, and the advantages it would confer both upon England and Ireland would justify this censure, and induce them to extend the plan. He thought, however, that enough had transpired to justify them in making a beginning; and it was but fair that the country should see what could be done, and done successfully, before they ventured to proceed further with this undertaking. He merely wished to state to the hon. Members who had talked of this being a grant made to Ireland, that they must have paid but very little attention to his opening statement or to the resolution which was now in the hands of their Chairman. He did not propose to give a single farthing to Ireland. Under the enactments of the bill it was impossible that a single farthing could be charged upon the funds of the empire in support of the proposition that he made. They first guaranteed the payment of the interest, and then there was to be a sinking fund formed for the repayment of the capital, and both guaranteed out of the profits of the works. He thought from the manner in which many hon. Gentlemen received his statement, that they had not done him the honour of listening to the proposition he had originally made. It was calculated, and all the calculations were made at a very low rate—they were in fact understated—that railroads would yield four per cent. more than sufficient to pay the expenses of the works. Were they, when such security was offered to them, to be so chary that they would not make an advance which would not touch the general resources of the empire, and particularly when they had already lavished so much upon Scotland. It was further intended, by a special provision, that if the profits of the works should not be sufficient, and if there should be any deficiency, it was expressly enacted, that it was to be assessed on the Irish counties, by which the deficiency was to be made up. This was the course pursued on former occasions. It was that adopted by the Government of the right hon. Gentleman opposite—it was that pursued by them when making advances for public works in Ireland. The expenditure on such objects was guaranteed by assessments to be made by the respective grand juries. All those works were carried on under the Board of Works, and the sums were now in course of repayment. Was it then to be told that the House of Commons would not sanction the proposition of funds being advanced upon the credit of England for the execution of works in Ireland, when they had a guarantee for punctual repayment? Let hon. Gentlemen who objected to such a proposition cite an instance where money had been laid out on works in Ireland, under the system now in force, and that it had not been repaid, and he would admit that there was weight in such an objection. He did not expect that the noble Lord the Member for Liverpool, the Representative of that enlightened commercial town, would have stood forth as the condemner of railways in general — a condemner of them at least for any purpose except that of carrying passengers. The noble Lord had designated the successful experiments in every part of this island as a mania for railroads. He did not see if great profits resulted from these railways merely for the conveyance of passengers, why Ireland should be excluded from the advantages arising from them. He begged the House to remember why railways were not so extensively applied to the conveyance of heavy goods in England. It was simply because we had other means of conveyance, such as canals, which maintained a successful competition with the railways. He did not believe, that the noble Lord was warranted in his assertion, that comparatively a small portion of heavy goods was conveyed by the railways throughout this country. The noble Lord had mentioned the article of coals as bringing but a small profit, but the reason was, as he believed, that in many instances a special provision was made for lowering the fare. He might instance the Stockton and Darlington Railway, which was most successful, although the main object of it was the conveyance of coals, which brought in a very large receipt. It was admitted that live cattle could be advantageously carried along the railways, and this, be it remembered, formed the very foremost article of conveyance in Ireland. He wished to answer one or two of the questions that had been put to him. The hon. Member for Monaghan had asked what he proposed to do with the line for connecting Celbridge with Mullingar. Government did not propose to introduce themselves a line to the west into Connaught, but they should feel precluded from offering any opposition to such a line if the parties undertaking it entered into the necessary securities for joining it with the main trunk. He had said before what they proposed to do with regard to the northern lines. Lines were already carrying on from Dublin to Drogheda, and from Armagh to Belfast. If a company should undertake a connecting line between Drogheda and Armagh, so as to form a whole series of lines from Dublin to Belfast, Government would feel bound to give such a proposal every fair play. The hon. and learned Member for Galway asked whether Government contemplated giving facilities to branch lines. Government would be anxious in any measure they introduced to give such facilities, and to enter into any equitable agreement respecting the rate of profit and the trade brought to the main trunk. The right hon. Baronet, the Member for Tamworth, to whose representations he listened with all the respect that was due to him, although he was sorry to find him an opponent on this occasion, had asked why, after the successful experiments that had been made in England, and after the experience of the large number of railways that had been constructed here, they should try another method in Ireland, and why they should not leave the construction of railways in Ireland to the same competition and enterprise? He could only say, that it was because so much had been done in England, and nothing in Ireland, that they found they could not trust to the same means, and they were obliged to call in the aid of the State there if they wished to extend to that country the benefits of a well-organized system of railways. He must contend that the right hon. Baronet the Member for Tamworth did not touch, or attempt to touch, the statements he had made of the good effect of the system of public undertakings of this sort as evidenced by Belgium. The right hon. Baronet merely said, that England had done well, and why should not Ireland do well under the same system? His answer was, that Belgium did better, and he called upon the House to apply to Ireland, a system that worked so admirably well in Belgium. In that country they had undertaken railroads, and those railroads had answered well, had prospered, although under the superintendence and control of the State, and he called upon the House, under the shelter of that experiment, to try to introduce the same system into Ireland, circumstanced as that country was, and requiring, as she did, assistance. He would only make one further remark. The right hon. Member for Tamworth had made great use of the injustice which he said this proposal would inflict upon an enterprising and intelligent gentleman, Mr. Bianconi; indeed, the right hon. Baronet had made Mr. Bianconi his horse of battle. He had, however, the great satisfaction to be able to state that Mr. Bianconi was one of the most ardent supporters of this project. He had only to hope that the committee would give him leave to take the necessary form of proceeding to bring in a bill by which they would be able to give this subject that mature and deliberate consideration that was due to its importance, to the pains taken by the commissioners, and to the interest that had been excited in Ireland. He hoped, without pledging themselves further than maturely to consider the bill to be introduced, that the Committee would agree to his resolution.

Lord *John Russell* wished the committee before going to a division, to recollect, that the commissioners, who were most competent persons, had investigated this subject, and made a certain report. The Government had taken that report into its consideration, and his noble Friend had explained the plan, which had undergone great discussion. All he wanted was, that the House should have a future opportunity of deciding upon this question, and that they should not now at once go into a final vote, which would decide whether, ultimately the plan was to be proceeded with or not. The carrying of this resolution would merely enable his noble Friend to bring in a bill. He was ready to consent to any examination of the propositions which might be required, but he did hope, that upon further consideration, this question would be considered one which chiefly affected the welfare and improvement of Ireland, and that it would not be treated as the merest party question.

Sir *E. Knatchbull* agreed with the noble Lord, that there was nothing in this question to excite any unusual party feeling. He did not believe, that those who sat on that (the Opposition) side of the House entertained those feelings. They felt, and he felt, that by agreeing to this proposition they would be pledged to support any future measure that should be founded upon it.

The committee divided:—Ayes 144; Noes 100: Majority 44.

List of the AYES.

Abercromby, hon. G.
Acheson, Lord Visct.
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bryan, G.
Busfield, W.
Butler, hon. Col.
Byng, rt. hon. G.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. G. H.
Cayley, E. S.
Chichester, J. P.
Collier, J.
Courtenay, P.
Cowper, hon. W.
Currie, R.
Dalmeny, Lord
Davies, Colonel
Donkin, Sir R.
Duff, James
Dundas, C. W. D.
Dundas, F.
Elliot, hon. J. E.
Ellice, E.
Evans, W.
Fenton, J.
Ferguson, R.
Fitzalan, Lord
Fitzgibbon, hon. Col.
Gordon, R.
Grattan, H.
Grey, rt. hon. Sir C.
Grey, Sir G.
Hall, Sir B.
Handley, H.

Harland, W. C.
Hawes, B.
Heathcoat, J.
Hill, Lord A.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Lord Visct.
Hume, J.
Hutton, R.
Kinnaird, hon. A.
Labouchere, rt. hn. H.
Langdale, hon. C.
Leader, J. T.
Lennox, Lord A.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S.
Linch, A. H.
Macleod, R.
Macnamara, Major
Maher, John
Martin, J.
Maule, Hon. F.
Melgund, Lord
Mildmay, P. St. J.
Miles, P. W. S.
Morpeth, Lord
Murray, rt. hon. J.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Paget, Lord A.
Palmer, C. F.
Palmerston, Lord
Parker, J.
Parnell, rt. hn. Sir H.
Pechell, Captain
Philips, Sir R.
Philips, G. R.
Ponsonby, hon. J.
Pryme, G.

Pusey, P.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Russell, Lord J.
Russell, Lord
Salwey, Colonel
Sanford, E. A.
Seymour, Lord
Sheil, R. L.
Slaney, R. A.
Smith, J. A
Smith, R. V.
Speirs, A.
Stanley, W. O.
Stansfield, W. R.
Stock, Dr.
Stuart, V.
Strangways, hon. J.
Style, Sir C.
Tancred, H. W.
Tollemache, F. J.
Troubridge, Sir E. T.
Vigors, N. A.
Vivian, J. H.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Wemyss, J. E.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Williams, W.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

A'Court, Captain
Aglionby, Major
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Baillie, Colonel
Blackstone, W. S.
Blandford, Mar. of
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruges, W. H. L.

Bulwer, Sir L.
Burr, H.
Cantilupe, Lord
Castlereagh, Lord
Clerk, Sir G.
Conolly, E.
Corry, hon. H.
Currie, R.
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Duke, Sir J.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Lord

Du Pre, G.
Eaton, R. J.
Fector, J. M.
Finch, F.
Fort, J.
Freemantle, Sir T.
Gladstone, W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Grant, F. W.
Grimston, Lord Visc.
Grimston, hon. E. H.
Hawkes, T.
Heneage, G. W.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, hon. Chas.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Jackson, Mr. Serg.
Jervis, J.
Johnstone, H.
Jones, T.
Lefroy, right hon. T.
M'Taggart, J.
Marsland, H.
Marsland, T.
Master, T. W. C.
Maxwell, hon. S. R.
Mordaunt, Sir J.
Morris, D.
Noel, W. M.

O'Neill, hon. J. B. R.
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Pemberton, T.
Philips, M.
Plumptre, J. P.
Powerscourt, Lord
Pringle, A.
Reid, Sir J. R.
Rickford, W.
Round, C. G.
Rushbrooke, Col.
Sanderson, R.
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Somerset, Lord G.
Spry, Sir S. T.
Stormont, Lord
Thomas, Colonel H.
Thornhill, G.
Vere, Sir C. B.
Vivian, J. E.
Wakley, T.
Welby, G. E.
Williams, W.
Yorke, hon. E. T.

TELLERS.

Knatchbull, rt. hn. Sir E.
Perceval, Colonel

Resolutions agreed to. House resumed. Resolutions to be reported.

MUNICIPAL CORPORATIONS (IRELAND).] Viscount Morpeth moved the second reading of the Municipal Corporations (Ireland) Bill.

Mr. *Goulburn* said, that as far as he was concerned, he had no objection to allow the bill to pass through its present stage, provided the committee were postponed till some day after the Irish assizes, so that an opportunity might be afforded to many Irish Gentlemen, now absent to take part in the discussion.

Sir *R. Inglis* was opposed to the principle of the bill, and he should certainly not consent to its passing the second reading at that hour of the night. He would take the sense of the House on the motion.

Sir *R. Bateson* concurred in the propriety of postponing the bill. He regarded the bill with jealousy; for he believed it would take all power from the Protestants, and throw it into the hands of the Catholics. He called upon the Protestants of Ireland to rally and oppose a measure, which was only the beginning of an attempt to put down every Protestant institution in that country. He felt justified in making a stand now, when he heard, that a certain noble individual, after making an extraordinary speech in that House, was to be appointed Lord-lieutenant of Ireland. That speech was not known to him merely through a report, for he had heard it himself, and never was he more astonished than when he did hear it. Little had he thought, that an individual, who as a Member of that House had solemnly declared, that he voted for the Tithe Act with the view of increasing the warfare against the Irish Church, and who had stated, that he considered the Protestant Church there a disgrace, would ever have been appointed Governor of Ireland. When he contemplated that individual taking the oaths of office as Lord-lieutenant, he felt, that it was time to pause ere he gave further power to the enemies of Protestantism in that unfortunate country. Every day he saw, that efforts were making to put down Protestantism in general—to weaken not only the Church of England, but her twin sister the Church of Scotland. When he saw, that such was the object of a powerful party in Ireland, who ruled the present Cabinet, on whose smiles they existed, and whose frowns would annihilate them, he thought the time had come when the Protestants of Ireland must look to themselves. They must resist the efforts of Popish domination, and preserve the remnants of that constitution which their forefathers had handed down to them. Having been intrusted with a petition signed by upwards of 1,000 inhabitants of Dublin against the bill, he felt called on to make these remarks; and he should certainly oppose the bill, which had been brought forward under the specious denomination of reform. Considering the lateness of the hour (half-past eleven o'clock), he must call on the noble Lord in common decency not to press forward the measure.

Viscount *Dungannon* would divide, if no other Member did, with the hon. Baronet who had addressed the House in a manner which did him credit, against the bill. Though called by the specious name of "A Bill for the Reform of the Irish Municipal Corporations," the measure was nothing more nor less than an insidious attempt to put down Protestantism in Ireland. It did not deal out equal-handed justice, for its object was to strengthen the baneful influence of a party, and thereby to endanger the institutions of the empire. He could not contemplate without indignation the conduct of those who, to the misfortune of the country, were at the head of affairs, and any man who had any feeling or regard for the Protestant institutions of the state, and for real and rational liberty, must view with suspicion and alarm the acts of a Government which only existed, as the hon. Baronet had truly said, by the smiles of a particular body of individuals—indeed, he might say, of a particular faction in Ireland. It was well known that the frowns of that party would hurl the present Government from their seats; and, however small might be the number of those who divided with the hon. Baronet, they would show to the country, that they were bold enough to record their votes in favour of the Protestant institutions of the country. As a landed proprietor in the sister kingdom, he felt it his duty to oppose the bill.

Mr. *Hume* wished to ask the hon. Baronet, whether the petition which he had that night presented was the one agreed to at a meeting at the Mansion-house in Dublin on 22d of February last?

Sir *R. Bateson*, when the hon. Member sat down would answer his question.

Mr. *Hume* would then assume, that the question must be answered in the affirmative. He would call the attention of the House to a report of the resolutions passed at that meeting, one of which was to the effect, that the miseries of Ireland were to be attributed to the laws which fostered a sect whose doctrines were idolatrous and damnable, and that where Popery existed nothing but anarchy and confusion could prevail. This resolution was seconded by the rev. Mr. Gregg, who declared, that in consequence of the existence of Popery, the curse of God was upon the land, and read the 28th chapter of Deuteronomy as descriptive of the present state of Ireland. Now he (Mr. Hume) had referred to that chapter, and he would read to the House the 16th verse of it:—"Cursed shalt thou be in the city, and cursed shalt thou be in the field." The hon. Member then went on to read other verses—"Cursed shalt thou be when thou comest in, and cursed shalt thou be when thou goest out. The

Lord shall send upon thee cursing, vexation and rebuke, in all that thou settest thine hand unto for to do, until thou be destroyed, and until thou perish quickly, because of the wickedness of thy doings, whereby thou hast forsaken me." Now, he thought the noble Lord (Dungannon) would admit, that this was scarcely language to be applied to any party, but when they saw a meeting, at which the Lord Mayor of Dublin presided, passing such resolutions, and clergymen supporting them with such language, he would leave it to the House to judge who they were who produced anarchy and confusion. Did the noble Lord mean to exterminate the Catholics of Ireland? It was impossible to suppose, that that meeting, numerous as it was, did not agree in that sentiment. But let the noble Lord picture to himself a meeting of Catholics, twenty times as numerous, and echoing, but against Protestants, the sentiments which Protestants had avowed they felt with respect to Catholics. He put it to the noble Lord whether, if the Catholics were to act in accordance with those sentiments, it would be possible for the Protestants to resist them.

Sir *R. Bateson* said, he had been called on by the hon. Member for Kilkenny to give an answer to a question which had been put to him, and in doing so the hon. Member had been making a long speech with his usual accuracy and information as to the state of Ireland. He could only say, that he never heard the slightest rumour with respect to such a petition as the hon. Member had read. He did not say, that no such petition was in existence; perhaps it had been intrusted to the hon. Member. But if the hon. Member wished to know what was the petition which he (Sir R. Bateson) had that night presented, he would tell him, that it was one signed by 1,042 respectable inhabitants of the city of Dublin; not a petition agreed to at any public meeting. There was no quoting or misquoting, or profanation of scripture in it, and as the petition had been presented in a very thin House, and was only five or six lines in length, he would, with the permission of the House, read it. The hon. Baronet accordingly proceeded to read the petition, in which it was stated, that the petitioners, inhabitants of the city of Dublin, had seen with much apprehension a bill introduced into that House, for the professed purpose of a better regulation of municipal corporations in Ireland, but which, it was submitted, would have the effect of transferring the power now possessed by the corporations of Ireland in all instances from the friends of the Protestant religion and of British connexion to the implacable enemies of those principles on which the House of Brunswick was called to the Throne of these realms, and therefore they called upon the House not to agree to such a measure. This was the petition against which the hon. Member for Kilkenny had been declaiming.

Lord *Castlereagh* was very glad, that the hon. Baronet had answered the question of the hon. Member for Kilkenny, because it had brought back the House to the question, whether the order of the day for the second reading of the bill should be now read. He should, however, before he adverted to that question, like to know, whether the recent appointment of the noble Lord, who had been made Lord-lieutenant of Ireland, could be defended? The hon Member for Kilkenny inquired, "Are you going to exterminate the Catholics?" He would ask hon. Gentlemen opposite if they were going to put down the Protestant Church by the appointment of their new Lord-lieutenant. The sentiments of that noble Lord were perfectly well known, and if no other hon. Member moved for it, he himself should be very much tempted to move for a copy of the oath which the Lord-lieutenant of Ireland took upon his appointment, and to put it in juxtaposition with the speech which the noble Lord delivered in July, last year. He would ask her Majesty's Government, if they would condescend to give him an answer, and he would ask the Protestants of Ireland if such an appointment was likely in any degree to strengthen the Protestant Church, as had been said by a noble Lord in another place. One thing was clear, that the heavy blow and great discouragement to the Church of Ireland was now to be followed up by strong measures. He should only further say, that he should, because this nomination had taken place, vote with the hon. Baronet below him in his opposition to the second reading of the bill.

Lord *John Russell* had hoped, after what passed last year, that all parties in that House were agreed in the principle of this bill. Then he very much misunderstood the character and meaning of the debates which took place upon the subject on several nights in the last Session. From these debates he gathered that the principle was admitted, that there should be a reform of the Municipal Corporations in Ireland; and that the great points in dispute were points relating to the amount of the franchise and other matters of detail, which could only be properly discussed in committee. But it seemed that a new line of conduct was now about to be adopted by some of the hon. Gentlemen opposite, and that the whole bill was to be resisted upon principle. It was now, as he understood, declared, that as the Government would not consent to the total destruction of Muncipal Corporations in Ireland, this measure for the reform of them was to be resisted altogether. He was quite ready to agree with the right hon. Gentleman (Mr. Goulburn), that as there was some alteration in the details of the bill as now introduced, sufficient time should be allowed for the due consideration of them before the measure was pressed to a committee. He should not wish to proceed to that stage of the bill whilst any hon. Gentlemen were absent at the Assizes; therefore, if a convenient day should not present itself before Easter, he should not be anxious to press the committal of the bill until after the recess. But as to affirming the principle of the bill, he should wish the House not to delay that step for a single instant. The House had repeatedly affirmed it before, and he saw no reason why it should not again affirm a principle so just and reasonable. The hon. Baronet, the Member for Londonderry (Sir R. Bateson), told the House that he was persuaded, and that certain petitioners were persuaded with him, that the persons returned as town councillors under this bill would, for the greater part, be Roman Catholics. He, however, would say that, whether the electors were 8*l.* householders, or merely the occupiers of houses or tenements rated to the relief of the poor, if the majority of them felt that the persons in whom they could place confidence as the representatives and managers of their local interests were Roman Catholics, by all means let the town councils of Ireland be composed of Roman Catholics. On the other hand, in towns where the Protestant interest prevailed—where the great majority of the inhabitants were Protestants—he said, let the town councils be Protestant. But he knew not why good, respectable, and loyal Roman Catholics should not stand on a perfect equality with good, respectable, and loyal Protestants. That was the principle of this bill—a principle to which he believed the House was ready to agree. It certainly was not a principle from which he should at any time be prepared to depart, or to shrink from avowing, and steadfastly determined to adhere to the principle of the bill, he would not consent to any alteration of its details which would deprive the majority in the corporations of Ireland whether Roman Catholics or Protestants, of the power which they ought to enjoy. The hon. Baronet, the Member for Londonderry (Sir R. Bateson) and the noble Lord (Lord Castlereagh) who spoke last, had gone into two other subjects which had no reference to the question before the House. The hon. Baronet had made the very wonderful discovery—a discovery it was true which some others had made before him—that Ministers who held a station in that House must hold it in consequence of the votes of their supporters. He (Lord John Russell) was ready to admit, that that must always be the case. They divided in that House majority and minority, and those who formed the majority being usually the supporters of Ministers it must necessarily be owned, however odd it might appear to the hon. Baronet, that it was to that majority that Ministers owed their station. He must admit, that it was to that circumstance that the present Ministry were indebted for the place they hold; and he was also quite as ready to admit, that if some of the majority who voted with them were Roman Catholics, they were as happy to receive their support as other persons might be to receive the support of those of that party to which the hon. Baronet (Sir R. Bateson) belonged, and which had been for many years an exclusive and intolerant party in Ireland. The other question to which the hon. Baronet and the noble Lord (Lord Castlereagh) had referred was the appointment which her Majesty had been pleased to make of Lord Ebrington to the Lord-lieutenancy to that part of the United Kingdom. Neither upon that question any more than upon the previous one was he at all disposed to shrink from, or to apologize for, the course which Ministers had pursued. On the contrary, he had known Lord Ebrington for many years—had had the satisfaction and pleasure of enjoying his friendship—and he knew, as everybody who had the honour and advantage of the acquaintance of that noble Lord knew, that a man of higher character, of purer public principle, did not exist amongst politicians in this country. He knew also that her Majesty could not have appointed a man more attached to the constitution, or more attached to the Protestant religion as established in this country. He was perfectly aware that Lord Ebrington made a speech in the course of the debates upon the Irish Tithe Bill last year, which speech he (Lord John Russell) stated at the time he thought had been misunderstood by those who followed him. He would not refer to any report which might or might not be correct, but would mention that he heard his noble Friend make upon that occasion, a statement which he had heard also from many others—it was this: that while he was disposed to support the established religion, he thought the Protestant Church in Ireland was too large and ought to be reduced; and he went on to argue that if there were to be a contest upon the subject, it would be much better that that contest should be carried on by tithe-owners and tithe-payers of substance, than by the poor peasantry and the clergy. That was, as he understood, and as he stated immediately in the course of the same debate, the substance of the observations made by his noble Friend. Did he say because his noble Friend was of opinion that the Established Church in Ireland might be safely and properly reduced that therefore he was unfit to be Lord-lieutenant of Ireland? By no means. It was an opinion which he had always held himself, and had frequently stated in that House. He had stated repeatedly that he thought part of the revenue of the Established Church in Ireland ought to be applied to the moral and religious education of the people of that country. And if Lord Ebrington held that opinion, and had stated it in that House, the circumstance of his doing so was in his view no disqualification for holding the high office to which he had been appointed. This he was sure of, that Lord Ebrington in holding that opinion, held it steadfastly—thinking that such a diminution of the revenues of the Established Church would tend to the greater security and stability of the Protestant institutions of Ireland. That was an opinion which he thought might be very consistently held by one who filled the office of Lord-lieutenant of that country. At all events, having to exercise the delegated authority of her Majesty in Ireland, he was quite ready to take his share of responsibility in the appointment of Lord Ebrington. And, though an opportunity had been taken—the very earliest possible—to excite a prejudice against that nobleman. He believed, that the excellent and sterling qualities by which his noble Friend was distinguished, would be known, in spite of all the observations that had been made to the people of Ireland. His opinion was, that his noble Friend would be received by them as one who was attached to their welfare, and if he should be of opinion that the interests, the privileges, the rights and powers of the people should not be confined to the few and small minority, he did not think that that opinion would ruin him in the eyes of the people.

Mr. Sergeant *Jackson* regretted that this discussion had arisen at so late an hour (twelve o'clock). He regretted extremely, that the noble Lord had not yielded to the suggestion which had been thrown out, that it would be better not to bring the question forward at so advanced a period of the evening. It seemed that they had wandered from the main question before the House. Perhaps that was one of the inevitable consequences of pressing forward a question of this magnitude and importance against the sense of a great proportion of the House at so late an hour. He believed, that no one in that House, or elsewhere, had impugned the high moral character of the Nobleman to whom the noble Lord had referred. He believed, that no man, either in or out of that House, would venture so to do. He believed, that no man possessed a higher character than that distinguished individual. But he regretted to learn from the noble Lord (Lord John Russell) that he espoused, admitted, and justified the expressions used by that Nobleman upon a question of vital importance to the sister country. Did the noble Lord adopt the language which fell from Lord Ebrington when he was a Member of that House. Did he understand the noble Lord to profess his acquiescence in all that fell from Lord Ebrington upon the occasion in question? Did he not understand the noble Lord to say, that he held the same sentiments? Let him see, if the noble Lord would venture in the face of that House—in the face of England—in the face of that measure which he himself proposed, to admit and repeat the sentiments which he would now take the liberty of reading to the House. What was the language of Lord Ebrington, then a Member of that House, when speaking upon the bill brought in for the settlement, as the noble Lord (J. Russell) said of the question of tithes in Ireland?—language which, he would venture to say, no individual had ever held upon a similar occasion :—"I shall vote for the bill said the noble Lord, only because I expect that, so far from preventing a thorough reform of the Irish Church, it will, by throwing the payment of tithes into the hands of those who have more power and influence than the present payers, render the war now waged against the Church—more formidable." The noble Lord (Lord John Russell) adopted that language; the noble Lord who brought forward a bill for settling the question of tithes—for putting it completely and for ever at rest—now declared, that he adopted the language of Lord Ebrington. Then, the noble Lord only brought forward his tithe bill for the purpose of making the war waged against the Protestant Established Church more formidable. Did the noble Lord imagine, that it would be possible to wage a formidable and successful war against the Protestant Church in Ireland, without at the same time waging a formidable war against the Protestant Church in England? Were they separate Churches now? Was it not the united Church of England and Ireland? Did the noble Lord venture to wage war against that united Church? And was it fit or decent at that time of day, to say to a country in the predicament in which Ireland now was, after a period of the grossest misgovernment—a period of misgovernment which had completely disjointed the whole frame of society—which had paltered with the administration of the law, and rendered life and property utterly insecure? Was it not monstrous—was it not an outrage to the public feeling in a country so situated, to send an individual to conduct the government of that country who had publicly stated in his place in Parliament that he had only voted for the Tithe Bill introduced by the noble Lord, for the sake of making the war then waging against the Established Church, more formidable? What must be the effect of such an appointment upon the people of Ireland? Must it not, upon the one hand, depress the spirit of the loyal Protestant people of that country, and, on the other, raise the spirit and encourage the attacks of the precursor societies, the agitators, the discontented, and disloyal portion of the community? What other effect could it produce? He did not mind the gestures of the hon. and learned Member for Dublin.—[Mr. *O'Connell:* Nor do I mind yours.] The hon. and learned Member had no right to gesticulate in that way, He should be sorry to transgress the rules of order: it was not his habit to do so. He should not have condescended to have taken any notice of the hon. and learned Member's conduct, except that he thought proper to interrupt him. He returned to the subject, and asked what would be the effect of this appointment upon the people of Ireland? And he asked the noble Lord, whether it were reasonable to expect that men should be prepared to go along with him in his present proposition for the establishment of municipal corporations in Ireland upon a different footing, and thereby to increase the power of the party which was waging this war against the Protestant establishment and Protestant institution in Ireland—was it reasonable, that the noble Lord should expect support from that side of the House upon a measure of this kind, immediately after the declaration he had just made? He should conclude the observations he had felt it his duty to make, by moving, "That the House do now adjourn." He took this course, because he did not think it fit or proper that this question should be pressed forward at such an hour of the night against the sense of the great majority of the representatives of Ireland.

Sir *R. Inglis* rose to second the motion. [*"Cries of Chair, chair, Order, order!"*] He would not yield to cries of order, whether they proceeded from one side of the House or the other, unless he was called to order by Mr. Speaker. He would take the liberty of saying, that when the noble Lord the Secretary for Ireland moved the order of the day for the second reading of the Irish Municipal Corporation Bill, he rose in the hope, that the noble Lord would not press such a motion. His right hon. Friend the Member for the University of Cambridge, from whom it always gave him great pain to differ, rose and wished that some compromise might be made, and that the bill might be allowed to pass the second reading, but that some time should elapse before it went into Committee. To that he (Sir Robert Inglis) could not agree, but he had hoped, that some understanding would be come to, not that the Committee should be postponed till after Easter, but that the second reading should be postponed. He stated this in justice to his hon. Friend the Member for the county of Londonderry, and his hon. Friend the Member for the University of Dublin. One observation only he begged leave to make with reference to the late appointment. A complaint had been made, that this appointment had been questioned, for the purpose of taking the earliest opportunity to create a prejudice. If they had waited till a later period, the noble Lord would have had good reason for saying why had nothing been said until the noble Viscount had gone to Ireland? His noble Friend the Member for the county of Down, had more reason to remember than any one, that a noble person had scarcely been appointed to a most important office, before advantage was sought to to be taken of a speech made in another place as a sufficient disqualification for the office. The course that had been taken was as fair to the noble Viscount who had been appointed as the former motion was to the then Government—in conclusion, he begged to second the motion, that the House do now adjourn.

Lord *J. Russell* said, the hon. and learned Member for Bandon had by no means correctly represented what he had stated in the House. The hon. and learned Member had read something from a newspaper or from some Report, and had said those were sentiments which he (Lord J. Russell) had said he meant to abide by. [Mr. Sergeant *Jackson*—From the "Mirror of Parliament."] As to those words in the "Mirror of Parliament," he neither concurred in them, nor did he adopt any one of the expressions. What he had said was, that he thought there ought to be a reduction in the revenues of the Irish Church Establishment, and that those reductions would be better effected by the Irish Tithe Bill than in any other way. With respect to the sentiments that had been alluded to, he had only said, that he agreed with them so far as this—that he thought that the revenues of the Church of Ireland might be properly reduced. He did not say even that he concurred in that, nor did he even now concur in the sentiments that that bill was likely to produce any agitation. His opinion at the time the bill was introduced, and his opinion still was, that that bill was more likely to settle difficulties than to raise further contention. As a measure of peace he had introduced it, and as a measure of peace he regarded it.

Mr. *Blackstone* was glad to hear the hon. Baronet, the Member for the University of Oxford declare, that he would take the sense of the House on the motion for postponing the second reading. He trusted the noble Lord would not at this time of night go into a discussion of a general question. Although he had watched the bill for three years, he had never had an opportunity of expressing his sentiments, although he had not on former occasions been able to concur with his friends in voting for the abolition of Corporations. He conceived these corporations were instituted originally for Protestant purposes, and he was unwilling that those principles should be passed over without discussion. He did not wish to enter into the topics which had been discussed that night, but he did hope the noble Lord would give them an opportunity of discussing the merits of that bill.

Mr. *Maxwell* promised the House the hand of the clock should not reach the quarter (it then being ten minutes past twelve) before he finished his observations. He disclaimed being any party to the understanding to which the noble Lord had alluded. He came into that House, attached to no party, his principles were pre-eminently Conservative, but he was the representative of a large and populous county in Ireland, and he represented the feelings and wishes of nine-tenths of the Protestants of Ireland, with reference to the subject before the House. He meant to say, that it was the feeling of the Protestants in Ireland, that they would never consent to those Corporations, one of the principal objects of which were to protect the rates and institutions, being the means of transferring power into the hands of the Roman Catholics, and he tendered his hearty thanks to those English and Irish Members who had taken this subject in hand.

Mr. *Sheil:* The hon. Baronet the Member for the University of Oxford announced at the outset, that he would divide the House upon this question. He was sustained in that view by the hon. Gentleman who followed him; and the hon. Baronet the Member for Londonderry (Sir Robert Bateson), and the noble Lord, the Member for Down (Lord Castlereagh), undertook to adopt the same course. Might he (Mr. Sheil) venture to ask them this question—"How does it come to pass that you have taken a step so important in the absence of the right hon. Baronet the Member for Tamworth?" When hon. Members on the opposite side were perpetually referring to the compact alliance which existed on the Ministerial side of the House, was he not justified, without the slightest degree of impropriety, in asking whether those of hon. Members had themselves come forward in concert, and in conformity with a previous determination. [*"No! No!"*] Then he presumed he was to understand, that the proceeding on this occasion was an isolated one. He presumed, that it was an open question with the Gentlemen on the other side of the House. After all, however, it was not against her Majesty's Ministers, that such strong indignation should be expressed, but against the right hon. Baronet, the Member for Tamworth, who said, last Session, that this question had already been carried by public opinion. The House must needs remember his memorable words, "when I find," said the right hon. Baronet, "that this bill has been carried by great majorities of the House of Commons, and when I find, that the public mind of England is made up upon the subject, I must give way." If that was the undertaking on his part then, was not he (Mr. Sheil) justified in asking whether the opposition now offered to the progress of this measure, was a preconcerted opposition. Had they not also the solemn pledge of the Duke of Wellington, that this question should be settled? Did he not say, "Give me a Poor-law bill—give me a tithe bill, and when you have done that, I will use my best exertions to carry a measure for establishing municipal corporations in Ireland"? With these facts before him, he would appeal to the right hon. Gentleman opposite, who, in the absence of the right hon. Member for Tamworth, was the most conspicuous Member on the Opposition benches, he meant the Member for the University of Cambridge—he would ask that right hon. Gentleman, whether he would concur with those who had announced their predetermination to divide the House?—was the House, after the solemn declaration made by the right hon. Baronet, the Member for Tamworth—after the equally solemn declaration made by the Duke of Wellington—after the declaration made by the noble Lord, the Member for north Lancashire—and after the declaration of the right hon. Baronet, who was formerly Member for Cumberland—after these repeated declarations, after this species of pledge, was the House to understand, that they were now to have a division? Let us have a division. Don't shrink from it. Again and again he had heard Conservatives state, that when they came to that House they would take a certain course, they would make certain motions, and move certain resolutions of censure; but he never afterwards saw them fulfil their undertakings. Those announcements were made out of doors; but here was an undertaking given in the House itself, and he now challenged them to persevere in it and perform their pledge. He might now be permitted, for a moment, to diverge from the consideration of this question to a matter to which great importance had been attached—he meant the appointment of Lord Ebrington. Surely it must have struck the House, that if that appointment were an objection to the Government by hon. Gentlemen opposite, they had the opportunity of addressing her Majesty to rescind it. Would not that be a fairer course of dealing with it? Would it not be a more direct mode of proceeding, and would it not show the real character of their opposition, if they were to adopt a course for which precedents were not wanting, instead of casting imputations, which were not followed by any motion on the subject. Let them make the speech of Lord Ebrington matter of deliberate censure, let them try the sense of the House upon it. But, at the same time, let it be remembered, that Lord Ebrington was not the only Lord-lieutenant by whom such opinions had been announced. Had the House forgotten, that in the month of April, 1834, when the noble Lord, the Member for North Lancashire, (Lord Stanley), acted, in conjunction with the Marquess of Anglesey, a letter from the Marquess of Anglesey to Earl Grey was produced by the hon. Member for Kilkenny (then Member for Middlesex), and that it contained the following remarkable words, which he begged the House to compare with the speech of Lord Ebrington? They were contained in an official letter written by the Marquess of Anglesey to Earl Grey, when Lord Stanley was Secretary for Ireland:—

> "This establishment which has always exceeded the religious wants of the Protestant congregations has hitherto been upheld by the State merely on the ground, that it consolidated the connection between the two countries. But this service it no longer performs. Instead of strengthening the connection, it weakens it. Any Government henceforth pledged to main-

tain that establishment as it now exists, must be brought into constant and permanent collision with the public opinion, and the prejudices and passions of the Irish people. However attached myself, to the doctrines of the Protestant Church, and however anxious to discountenance any violent changes in its temporal condition, it is impossible for me not to see, that the prevailing resistance to its legal pecuniary claims is only symptomatic of a deep rooted, wide-spread conviction, in the minds of the Irish community, that the continuance of this establishment in its present extent and splendor is no longer justified by the condition of this country; and that the time has arrived for such just and practicable reforms in respect of it as may eventually place at the disposal of the State a national fund, to be applied to necessary national purposes. Such, I have been reluctantly compelled to feel is the general and unchangeable opinion of the Irish people upon this subject; and I am equally impressed with the apprehension, that unless the Parliament takes the lead in the work of now inevitable innovation, the recent confederacy against tithes will prove to have been only the first of a series of deplorable struggles between the Government and the national antipathies — that every day during which those struggles are protracted, the Government will find itself less in a condition of imposing its own terms—and that sooner or later the final result must be, an extorted and undignified compliance with demands which we had not the foresight, or rather, perhaps, the power, to concede. I know, that the times have passed when the will of the Minister could determine the acts of the Legislature, still I cannot refrain from urging on the attention of my colleagues the claims of this suffering and too long neglected country to a participation in the benefit of that enlightened policy which has already conferred so much benefit on other parts of the Empire."

That letter was to be found at page 243 of Hansard's Parliamentary Debates, and in the 23rd volume of that work. This was the language of the Marquess of Anglesey, when Lord-lieutenant of Ireland, and addressed to Earl Grey when Prime Minister. The noble Lord, the Member for North Lancashire, was Secretary for Ireland at the time, and must have had perfect cognizance, that this letter was written, and yet he did not resign. Let hon. Members read this letter, and then he would ask them with what face they could make a complaint against her Majesty's Government, that Lord Ebrington had been appointed Lord-lieutenant of Ireland.

Lord *Castlereagh* said, as the hon. Member who had just sat down had asked him how he had ventured to oppose the second reading of the bill before the House in the absence of the right hon. Baronet, the Member for Tamworth, he would beg to say, in reply, that he should always do what he felt to be his duty, whoever might or might not be in the House.

The *Speaker* said, the noble Lord had already addressed the House on the subject, and it would be highly inconvenient were hon. Members to be allowed to address the House a second time in reply to questions which might be put to them.

Mr. *O'Connell* thought the noble Lord was perfectly in order. Since he had last addressed the House a new question had been put. The hon. and learned Member for Bandon had moved the adjournment of the House, and the noble Lord, he apprehended, had a right to address the House again on the question of adjournment.

The *Speaker* said, if the noble Lord claimed a right to speak on the new question before the House, he had a perfect right to do so; but, as it was his duty to preserve order and regularity in the debates, he could not but notice the remark which the noble Lord had made on rising. The noble Lord had said, he rose to reply to a question, and were such a proceeding sanctioned the greatest inconvenience would result from it.

Lord *Castlereagh* should always bow with deference to the Chair. A question had been put to him, and in reply he begged to state distinctly, that in his place in Parliament, and in the discharge of his duty as the Representative of a large and populous county, he owed no allegiance to any chief, and would bow to the dictates of no man, nor follow the course which any hon. Member might pursue, unless he was persuaded, that that course was one likely to be productive of beneficial consequences to his country. He was always anxious to perform his duty uprightly and conscientiously, and to do all the good which was in his power, and he trusted, that he should ever discharge that duty in the manner most likely to promote the best interests of the nation, and to secure the good opinion of the important constituency which he had the honour to represent. He had opposed the second reading of the bill before the House, because it was not usual, and because he thought it improper to bring on so important a measure at so late an hour, and more particularly because he considered it to be a measure of the most vital importance to the Protestant Church of Ireland, and one which ought therefore to have the most mature deliberation.

Dr. *Lefroy* said, the letter from Lord Anglesey to Earl Grey, which had been read by the hon. and learned Gentleman opposite, was a private and confidential communication, and the circumstances of the case were therefore totally different from the speech of Lord Ebrington, which had been under consideration.

The House divided on the question of the Adjournment:—Ayes 65; Noes 151:—Majority 86.

On the question being again put, Colonel Sibthorp moved, that the House, at its rising, adjourn to Monday next.

The House again divided on the question, that the Order of the Day be now read:—Ayes 147; Noes 61: Majority 86.

List of the AYES.

Abercromby, hn. R.
Acheson, Lord
Aglionby, H. A.
Aglionby, Major
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgeman, H.
Brocklehurst, J.
Browne, R. D.
Bryan, G.
Buller, C.
Bulwer, Sir L.
Busfeild, W.
Byng, rt. hon. G.
Callaghan, D.
Campbell, Sir J.
Cavendish, hn. G. H.
Cayley, E. S.
Chalmers, P.
Chichester, J. P. B.
Collier, J.
Cowper, hon. W. F.
Crompton, Sir S.
Curry, W.
Dalmeny, Lord
Donkin, Sir R. S.
Douglas, Sir C. E.
Duff, J.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Elliot, hon. J. E.
Ellice, E.
Evans, W.
Finch, F.
Fitzalan, Lord
Fort, J.
Gladstone, W. E.
Gordon, R.
Grattan, H.
Grey, rt. hon. Sir C.
Grey, Sir G.
Handley, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Hill, Lord A. M. C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutton, R.
Labouchere, rt. hon. H.
Langdale, hon. C.
Lefevre, C. S.
Lennox, Lord A.
Lister, E. C.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Lord Visct.
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Murray, rt. hn. J. A.
Norreys, Sir D. J.
O'Brien, C.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
Paget, Lord A.
Palmer, C. F.
Palmerston, Viscount
Parnell, rt. hon. Sir H.
Parrott, J.
Philips, M.
Philips, G. R.
Protheroe, E.
Pryme, G.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Russell, Lord J.
Salwey, Col.
Sanford, E. A.
Seymour, Lord
Sheil, R. L.
Slaney, R. A.
Smith, J. A.
Speirs, A.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stock, Dr.
Stuart, V.
Strutt, E.
Style, Sir C.
Thorneley, T.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Wemyss, J. E.
Westenra, hon. J. C.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
Stanley, E. J.

List of the NOES.

A'Court, Captain
Alsager, Captain
Archdall, M.
Bateson, Sir R.
Blackstone, W. S.
Blandford, Mar. of
Blennerhasset, A.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brotherton, J.
Bruges, W. H. L.
Burr, H.
Cantilupe, Lord Visct.
Castlereagh, Lord
Cole, hon. A. H.
Conolly, E.
Courtenay, P.
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Dunbar, G.
Duncombe, hon. W.
Dungannon, Viscount
Du Pre, G.
Eaton, R. J.
Fector, J. M.
Grimston, Lord Visct.
Grimston, hon. E. H.
Hinde, J. H.
Hodgson, R.
Holmes, W.
Hughes, W. B.
Irton, S.
Jackson, Mr. Serg.
Lefroy, right hon. T.
Lockhart, A. M.
Lucas, E.
Master, T. W. C.
Maxwell, hon. S. R.
Miles, P. W. S.
O'Neill, hon. J. B. R.
Packe, C. W.
Pakington, J. S.
Parker, R. T.
Perceval, Colonel
Plumptre, J. P.
Powerscourt, Lord
Pringle, A.
Reid, Sir J. R.
Round, C. G.
Rushbrook, Col.
Scarlett, hon. J. Y.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Stormont, Lord Visc.
Thomas, Col. H.

	TELLERS.
Thornhill, G.	Inglis, Sir R. H.
Vere, Sir C. B.	Jones, J.
Whitmore, T. C.	

Lord *J. Russell* stated, that as he found a disposition on the part of hon. Members opposite to oppose the second reading of the bill at the present hour, he would postpone the second reading until Friday next.

The Order of the Day read, and the second reading postponed until Friday.

[We publish only the names on the second division, they were so alike on both, that to publish both divisions would be needless repetition.]

HOUSE OF LORDS,

Monday, March 4, 1839.

MINUTES.] Bill. Read a second time:—Suspension of Ecclesiastical Appointments.

Petitions presented. By the Earl of SHAFTESBURY, from Brentford, against the Beer Act.—By the Bishop of ST. ASAPH, from Llangollen, for Church Extension in North America.—By Lord KENYON, from two places in Wales, for Assistance to the Clergy in that part of the country.—By the Duke of WELLINGTON, and the Earl of STRADBROKE, from two places, against the Repeal of the Corn-laws.—By Lord REDESDALE, from the Magistracy of Norfolk, for Amending the Beer Act.—By Lord GLENELG, from a place in Invernesshire, for Church Extension; and from Inverness, for the Total and Immediate Repeal of the Corn-laws.

THE NAVY RETURNS—EXPLANATION.] Lord *Minto* presented a petition from Chelmsford, praying for a repeal of the Corn-laws. The noble Lord said, he should take this opportunity of troubling their Lordships with a word or two on a subject of considerable importance, both in reference to himself and others. Their Lordships might remember that on the late occasion considerable doubt was expressed by a noble Earl, not now in his place, as to the accuracy of certain returns which he had occasion to submit to the House, in reply to some observations of that noble Earl's. Their Lordships would not be surprised to be informed that some of the officers, and officers high in rank, had felt exceedingly hurt by the statements that proceeded from the noble Earl; and he (Lord Minto) was authorized by them, and particularly by Admiral Sir Philip Durham entirely to confirm the accuracy of the returns which he had made, and which he received of them. There were two points chiefly upon which that noble Earl seemed to suggest that there might be some error. The first was as to the fitness of some of the ships for a state of operation, and which he had represented as favourable. The noble Earl mentioned the Revenge in particular, and stated that the masts of that ship were not in a state of preparation. He had requested the Admiral Superintendent to inform him in what state the masts of that ship were when that noble Lord visited her. The reply was, that there were five sets of third-rates masts ready. Three were unappropriated, and there were other masts fit to be put into her, if her own should not be found quite ready. Another statement was, that there was no sufficient supply of sails for the ships of the line at Plymouth. He had also desired an application to be made to the Admiral Superintendent at Plymouth, and the reply to that application showed that that noble Earl must have been greatly deceived in the information he had received. The reply stated, that so far from there being no topsails for the ships of the line, there were seven complete suits of sails for ships of the line, besides a great number of imperfect suits, amounting to no less than sixty-six topsails for ships of the line. He did not doubt but that the noble Lord believed the information which he had received to have been accurate. But that noble Lord did not visit all the sail-rooms, and he had to trust to others for his information. He thought it was due to the officers concerned, to state what he had stated. He was perfectly satisfied with the accuracy of their reports, and he thought it was of importance that no unnecessary discredit should be thrown upon the returns of public officers.

Subject dropped.

LORD EBRINGTON'S EXPLANATION.] Lord Ebrington having this day taken his seat in the House of Peers under the title of Lord Fortescue, spoke to the following effect:—My Lords, I know not whether, as there is no question at present before your Lordships, I am strictly in order in addressing you; but whether I am or not, I feel I shall not appeal in vain to your Lordships' sense of justice for permission to offer a few observations with regard to what passed in this House, on Thursday last, on matters of grave consequence not only to myself individually, but to those great and important interests in the administration of which I have been called upon to take a share in Ireland. I seek not to deprecate the political hostility of the noble Lord who thought fit to originate this discussion; I complain not of any conduct which his public duty may have prescribed towards me, but I think it would have been more convenient to your Lordships, I will not say more just, to me, if intending to found an attack upon an uncorrected, and I must say an incorrect, report, of words purporting to have been spoken in the other House of Parliament, he had waited till in my place here, I had had an opportunity of being heard in my defence, or if the zeal of the noble and learned Lord for the Protestant Church in Ireland could not allow him to wait until I should be present, if he had condescended to have informed me beforehand of his intentions, and to have given me an opportunity of stating to some friend the expressions really used by me on the occasion referred to, and thereby have enabled him to offer such explanations as I might, in my necessary absence, have wished to have been given on my behalf. I shall offer those explanations to your Lordships presently, but before I state to the best of my recollection the terms of the speech referred to—before I do this, I would wish to ask that noble and learned Lord, whether, notwithstanding his great eloquence, his varied knowledge, and his acknowledged tact and ability in debate, whether, notwithstanding all these, and his well-grounded confidence in his varied powers—it has never happened to him in the heat of debate to let fall expressions which have been construed and commented upon and reported, in a sense very different from that which in his cooler moments he would have wished to have attributed to them? and does the noble and learned Lord consider that the use of those expressions amounts to a disqualification from holding any office connected with that country to which those expressions related? My Lords, I ask the noble and learned Lord, as a lawyer, whether he thinks it fair, without proof of an offence—for the noble and learned Lord did not profess himself to have heard the words referred to—whether he thinks it fair to assume the proof, and at once to pass judgment and call for execution without giving the individual charged the opportunity of speaking in his defence? My Lords, "I come to administer the laws, and not to alter them"—were the words of a distinguished statesman, a near relative to the illustrious Duke I am happy to see in his place opposite (the Duke of Wellington), because I know that from that noble Duke, at least, I shall receive nothing but fairness and justice. "I come to administer the laws, and not to alter them," were the words used by Lord Wellesley, in answer to an address presented to him on his arrival to take the government in Ireland, when reference was made to opinions he had expressed upon Catholic Emancipation—from which it was assumed that his coming to take the Government was an indication of an intended concession upon that question. "I come to administer the laws, and not to alter them," will be my answer to any addresses—should I be honoured with any on my arrival in Ireland—referring to opinions of mine upon any legislative measures in this, or in the other House of Parliament. My Lords, allow me to say, that I have not taken up this view merely at the exigency of the present moment, or the spur of the present occasion—I have been all my life a strenuous advocate for reform—I have, during my political life, advocated considerable changes in many of the laws both of this country and of Ireland, and I am happy to say, that many of those objects of my early hopes I have lived to see brought to a successful consummation; but I defy any man to prove, that on any occasion I have ever advised disobedience to existing laws, however repugnant they might be to my own feelings and opinions; and I am sure, that with respect to Ireland, I can confirm this statement, for with the opinions I entertain as to the Church of Ireland—believing that it ought to be reduced within limits more commensurate to the demands of the Protestant population—with these opinions, which I never shall shrink from declaring—here or elsewhere—I beg leave to say, that there is no one of your Lordships—that there is no man in this country, who has exerted himself more strenuously to procure for the ministers of that Church the payment of their just dues. My Lords, I was in Ireland in the autumn of the year which immediately preceded the passing of the Coercion Bill—when all persons paying tithes were publicly denounced as enemies to their country. At that period I gave directions that the tithes on the whole of the property with which I am connected in that country should be paid to the minister to whom they were due, and I took care to make it known that I had done so; and the result of that was, that my life and property were threatened by a placard stuck up upon the chapel of my own village—and such was the intimidation of that time that no individual could be found to remove that paper till I tore it down with my own hands. My

Lords, it is irksome always to speak of one's self; and I owe an apology to your Lordships for mentioning this matter. I can assure you that I take no merit in it, I have done so only for the purpose of showing, that however disposed I may be in my place in Parliament to advocate certain changes in the law, there is no man more determined than I am to maintain obedience to existing laws. Now, my Lords, with respect to the speech which formed the subject of conversation on the late occasion. On referring to the reports of that speech, I must say all of them are rather meagre, and general outlines than anything like correct or accurate reports of the words spoken by me on that occasion; and I can further state, that the words quoted by the noble and learned Lord were those by far the most incorrectly reported, and were the most unlike what I did say in that debate. I will not trouble your Lordships with any part of the speech, except the one passage particularly referred to by the noble Lord: and the words which, to the best of my recollection, I used, were these:—

> "But if the struggle against the present tithe system were still to go on, notwithstanding the passing of this bill, the burden of that struggle will be transferred from the shoulders of the poor and ignorant peasant to those of the rich and powerful landlord, whose shoulders would be much better able to bear it, and who, I hope, will carry on the war with effect."*

I regret that I used the word "war," because I am quite sensible, that it was liable to be interpreted in a very different sense from that in which I uttered it. My Lords, it may be supposed, that this is an *ex post facto* explanation—that I attach a different sense to those words now, from what I did at the time I used them—in consequence of the notice that has been taken of them. My Lords, I trust it will be believed by those who know me, that I am incapable of such shuffling and falsehood. What I intended to convey by the expressions I used was, that I hoped measures for the reduction of the Church Establishment in Ireland would be pressed, in the shape of petitions and remonstrances, addressed by the landlords through the proper constitutional channels, upon this and the other House of Parliament—that that mode of warfare would be substituted—that that legitimate and constitutional warfare would be substituted for the resistance of physical force, which had produced such miseries and horrors in Ireland; and that remonstrances coming, as they would through those channels, they would receive due attention from the Legislature of this country. My Lords, that was the sense in which I used that expression. I am aware, that in the course of the debate a different construction was put upon it, and it had been my intention to have got up at the time to explain it. I spoke at the time to my noble Friend, the Secretary for the Home Department, and I asked him in what sense he had understood me. He said, though others had put a different construction on the words, he had understood them in the way I have just stated; and he added, "I will, if you please, make that explanation on your behalf, and he did in fact afterwards so explain them." My Lords, I gladly acquiesced in that explanation, feeling, as I always do, and as I am afraid you will have plainly perceived this evening; feeling, as I always do, considerable embarrassment in speaking in Parliament, and being on that occasion particularly reluctant after having once spoken, to press any further observations on an impatient House. My Lords, I feel, that I am about to undertake a situation encumbered wirh great difficulties—difficulties, allow me to say, which have not been diminished by the course taken in this House, by the description which some of your Lordships were, in my absence, pleased to give of my political opinions, and by the anticipations you were pleased to form of the character of my administration. I have, however, the satisfaction to know, that I have before my eyes, the example of my predecessor. I shall endeavour to carry into the administration of the laws in Ireland that strict and impartial justice which procured for my noble Friend (the Marquis of Normanby) from one of your Lordships, a pretty strong opponent of his Government, the important admission that at no period had the law been more vigorously exerted for the prevention and punishment of crime, than it had been under the administration of my noble Friend. I shall carry with me into the Government of that country the same sympathy which has been shewn by my noble Friend for the wants of the people of Ireland—the same affection for their open-hearted and manly character — the same anxious desire to extend their comforts and promote their welfare; and happy indeed shall I be, if, at the close of my career, be it long or be it short, I can reap the same harvest of benedictions from millions of Irishmen, which marked the departure of my noble Friend from the shores of that country. My Lords, I am sorry, that on my first appearance among your Lordships, I should have been called upon to express sentiments at variance, I fear, with those of many of your Lordships. I trust, that in doing so, I have not departed from the courtesy generally observed in your Lordships' debates, and which I am always anxious to shew towards political opponents. My Lords, I beg to tender my respectful thanks to noble Lords opposite, as well as to my noble Friends around me, and to the whole House, for the patient and indulgent hearing they have been pleased to give me.

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* "But if the struggle against tithes were still to go on notwithstanding this bill, the burthen would be on the shoulders of those, who were much better able to bear it, and who, he hoped, would carry on the war with effect."—Hansard, Third Series, Vol. xliv., p. 656.

Lord *Lyndhurst:* My Lords, it is with some reluctance that I rise, but I am called upon to address your Lordships, in consequence of what has fallen from the noble Lord, and I beg leave to state that I am most happy that I brought this case under your Lordships' consideration, since it has had the effect of calling on the noble Lord to state in your presence the opinions which he entertains, and the policy he means to pursue, with respect to the Protestant Church of Ireland. My Lords, I have another reason for being happy that I brought this subject under your Lordships' consideration, inasmuch as I found in two of the leading ministerial prints the very speech to which I referred of the noble Lord, set out in detail, and made the foundation of a compliment to the noble Viscount for having appointed the noble Lord to the situation of Lord-lieutenant of Ireland—thereby stating in the strongest terms that they, the supporters of her Majesty's Government, were of opinion that declared hostility to the Protestant Church of Ireland was the best qualification for the situation of Lord lieutenant of that country. My Lords, allow me to say a few words in my justification, in consequence of what has fallen from the noble Lord. And first, the noble Lord took occasion again to allude to an expression which fell from me on a former occasion with respect to Ireland, and which at the time was misinterpreted by the noble Marquess opposite, (the Marquess of Lansdowne.) The noble Lord asks me whether I should consider the use of that expression was a disqualification, provided in other respects I were qualified for holding a high situation in that country. My Lords, considering the impression which that expression has created in Ireland—considering the use that has been made of it—considering the odium that has been cast upon me in consequence of it, I say, in answer to the question put by the noble Lord, that I should consider it a decided disqualification for holding that appointment. My Lord, the noble Lord charges me with acting unjustly towards him, for bringing forward this question in his absence. Give me leave, my Lords, to say that I never considered this a question as between the noble Lord and myself. The charge that I made was a charge against her Majesty's Government; it was a charge against the noble Viscount opposite. The noble Viscount and the rest of her Majesty's Government were present for the purpose of entering upon the defence of the noble Lord, and that, my Lords, I consider a sufficient justification for the course I pursued. But the noble Lord again says that I should have postponed my observation. Yes, my Lords, I did consider well whether I could venture to postpone them. At that time I had reason to believe the appointment had not been actually made. I was desirous of interposing before it was too late, and therefore it was, that in the first instance, and upon the very first occasion, I put the question to the noble Viscount with respect to the nature of this appointment. The noble Lord says that it was unjust to bring forward a question of this kind in his absence. I might advert to a circumstance not very dissimilar, viz., a charge brought against a noble Friend of mine—a noble Marquess—(the Marquess of Londonderry)—not preferred in this House, where the noble Marquess would have had an opportunity of meeting the charge, but preferred in the other House of Parliament, and in which the noble Lord opposite (Lord Fortescue) was himself a distinguished performer.—[A *Noble Lord*: What appointment?] I allude to Lord Londonderry's appointment. My Lords, when I put that question to the noble Viscount, I considered it necessary to be cautious as to the evidence on which I proceeded. I looked at the different reports of the proceedings. I looked at what was said by the different parties in the House. I consulted some Members of the other House, and I was satisfied, that I was justified in imputing to the noble Lord—I won't say a precise expression—but imputing to the noble Lord those opinions, and those statements which I took the liberty of stating. My Lords, I read in the first instance the report from a volume which is considered to contain the most accurate report of what takes place both in this and the other House of Parliament. I read only part of that report because I thought in putting a question to the noble Viscount opposite on a subject of this kind I ought to be as concise as possible; and in doing so, I was charged by the noble Marquess with not giving the rest of the speech. My noble Friend, the noble Earl who sits near me, the Earl of Roden, read the whole of the speech, and that speech, so far from contradicting the statements I had made, bore them fully out. My Lords, I did not confine myself upon that occasion to the report in the work to which I have alluded, but I looked also at the report to which the noble Lord has referred, and there I found, that the noble Lord has said, that the Church Establishment in Ireland was a stain and a disgrace to the country, and I find, he also said, that it was some satisfaction to him that the burthen was about to be changed from the weak to the strong and expressed a hope, that the war would continue with effect against the Church Establishment of the country. I knew, my Lords, that it was possible those expressions might be misunderstood, and, therefore, I looked to the rest of the debate, and there I found that the noble Lord, the Member for north Lancashire, and the right hon. Baronet, the Member for Tamworth, had commented upon the expressions of the noble Lord and expressing their regret, that the noble Lord had thought it necessary to address the House in the spirit that he had done in support of the bill, on the ground, that he thought it would effect the ruin of the Church Establishment in Ireland. The noble Lord upon that occasion did not rise for the purpose of making an explanation, but another noble Lord who leads the Ministerial party in the other House, gave the explanation In giving that explanation, did he state that the noble Lord did not feel that hostility to the Church of Ireland, that had been imputed to him? No such thing. The only explanation, that was given was as to the mode in which the hostility should be carried on. This, my Lords, is the explanation of the course I pursued in the investigation. I thought it was necessary to enter into it, before I put that question to the noble Viscount, and I ask your Lordships whether I was not right under those circumstances, acting upon materials, that justified me in considering that in substance, the question I put to the noble Viscount was put upon a correct representation? Now, what is the explanation given by the noble Baron? Does it not accord with the statements that I have made? What does he say? Why, that the Establishment of the Church in Ireland is a stain and a disgrace to that country. What does the noble Lord further say? Why, that the effect of the bill would transfer the burthen from the weak to the strong, and he hoped, that in consequence of that, the war would be carried on with effect against the Protestant Church of Ireland. The noble Lord says, of course, the mode in which that war is to be carried on was not to be by resisting the law, but by constitutional means. Does that, my Lords, make any difference? The noble Lord is now placed at the head of the Government of that country. The Catholics of Ireland, are assailing the Protestants of that country. The noble Lord, himself, according to his own declarations, is hostile to the Establishment there. The noble Lord pursues his own mode of warfare, and no doubt those with whom he co-operates, will pursue their mode; but can it, my Lords, be said, that the declaration of the noble Lord will not encourage them? Will they not feel, that they are acting under his guidance in the measures they are pursuing? My Lords, allow me to call your Lordships' attention a little to the history of the proceedings with respect to the Church of Ireland, which have taken place, within the last few years. During the Ministry of my Lord Grey, immense reductions were made in the Establishment of the Church of Ireland—half the episcopal bench were removed—the Bishops were reduced from twenty to ten, and a heavy tax was placed upon the parochial clergy of Ireland. That was a great step towards reduction, and it was as far as that noble

Earl had thought it necessary to go. Now, with respect to the proceedings during the last Session. In the last Session, a bill was passed, by which thirty per cent. more was taken from the parochial clergy of Ireland. In what manner was the bill carried through both Houses? In the debate, it was stated it was a compromise, and in consequence much was given up for the sake of the harmony, the peace, and the tranquillity, of Ireland. But one individual said, that he would not be bound by that compromise—that he only considered it as an instalment, and accordingly, soon after the breaking up of Parliament, we find him establishing a society in Ireland, the object of which was the total and entire destruction of the Established Church in Ireland. "Nothing will satisfy us but the destruction of tithes." Now, for a moment, my Lords, look at this — after all his expressed desire to compromise—all his desire to establish tranquillity in Ireland. Now, what is the course taken by her Majesty's Ministers? They place at the head of the Government in that country an individual who has avowed his hostility to the Church of Ireland; and whose appointment, though the noble Lord tells us his hostility will be carried on in a particular form, is, above all others, calculated to renew agitation, to give alarm to the Church of Ireland, and to encourage the Catholic population, which is endeavouring to subvert the Protestant Church there. My Lords, this is an explanation of the course I have pursued, and the motives by which I have been actuated. I am told, indeed, and we were told the other night, and I do not dispute it, that the noble Lord is distinguished for his high constitutional opinions and principles. Undoubtedly he has upon more than one occasion, by his active interposition, rescued the Government from destruction, and they owe him a debt of gratitude on that account. But as far as relates to the constitutional opinions of the noble Lord, if they correspond, as I presume they do, with those of Her Majesty's Ministers—so far, in my opinion, and according to the best of my judgment—so far from being built upon constitutional bases, I think they tend to the destruction as well of the Constitution as of the Monarchy itself. I shall not attempt to describe the political character of the noble Lords opposite—I should be disposed to leave that for the graphic pencil of my noble and learned Friend opposite; his skill in this description of portrait painting is so well known and so highly appreciated; but I will say, with respect to the present Government—not using my own language, but borrowing from one of their supporters—taking the description of the noble Lords in the present Government from an individual who has for many years been their supporter, and who has declared he would make the greatest sacrifices for them, if necessary—he has described them in a letter, and to that description I subscribe. He says, "the Whigs cannot stand without the assistance of the Radicals; the Ministers must, therefore, be constantly doing something to please them, and thus the rights of the people will be gradually secured;" and in the same letter he describes those rights as being an elective House of Lords and a complete democratic House of Commons. I believe, for my own part, the Ministers will make concessions just so far as are necessary to keep themselves in power, and that they will go on in that way till there cannot be a doubt that both the Constitution and the Monarchy will be in danger. There is no question before the House, but I stand in such a position with reference to the noble Lord who before addressed your Lordships, that I felt myself called upon to address you. I thank your Lordships for the patient hearing I have had, and I presume this will be the last we shall hear of this business.

Viscount *Melbourne:* As this is to be the last we are to hear of this matter, and as there is no business before the House, it may, perhaps, appear superfluous, and in some degree imprudent and unwise, on my part to address your Lordships at all; but still I shall take the liberty of making a very few observations. Unquestionably, if this is to be the last we are to hear of this—if the matter is to be carried no further, I cannot help thinking the course that has been taken by the noble and learned Lord is in the highest degree unwise and impolitic. What effect can it possibly have, except to stir up grievances that had better be left to subside—except to stir up animosity and prevent the possible completion, the possible well working, of this measure, which is now so unnecessarily, so wantonly, and without any object, brought forward, except that which is unquestionably and perhaps unintentionally by the noble and learned Lord now avowed. When I was asked a question on this subject by the noble and learned Lord, and quite unexpectedly, I answered what was perfectly true, that I was not aware of the speech of my noble Friend, as the noble and learned Lord has now read it. It was not for me necessarily to know every speech my noble Friend had ever made; but I was acquainted with the general principles and character and opinions of my noble Friend, and my knowledge of that character and of those principles and opinions made me conceive that he was, if not the fittest, among the fittest of those whose services were at the command of her Majesty, for this great and responsible office. I said, that he had always supported the measures we had brought forward, and that was all that was necessary for my noble Friend; and if upon that speech I had pronounced his disqualification, I should, at the same time, have pronounced my own disqualification for the office I hold, but which I am not so ready to do as the noble and learned Lord opposite is. I don't know whether the disqualification acknowledged by the noble and learned Lord is confined to those offices to which it is not very likely he would be selected by any persons who may be called upon to advise her Majesty; or, as there are other offices, I do not know whether he considers himself equally disqualified for them, or whether he reserves his opinion of his qualifications for such offices, as he may have held before, and which he may perhaps naturally indulge his ambition in looking forward to holding again. The noble and learned Lord has made some observations upon leading articles in newspapers, and has indulged in reading articles from what he calls Ministerial prints, and from which he says he is bound and entitled to conclude that those opinions of hostility to the Church of Ireland are the opinions of my noble Friend; opinions which he does not entertain, and never did entertain, towards the Church in that country. There is not a warmer friend to the Church of Ireland than my noble Friend himself. But it is said, that those feelings of hostility are the best qualification of the noble Lord to the office to which he has been chosen and elected. Now, I don't at all acquiesce in those representations of these Ministerial journals. I do not know to which the noble and learned Lord alludes, but I do not admit the authority—I do not admit they were speaking the opinions of the Government; and I am sure, if I am to judge from many of the articles I have lately read in some which I suppose the noble and learned Lord calls Ministerial papers, I cannot consider that they are of a very friendly nature, or likely to give to Government any very efficient support. My noble Friend has told your Lordships the principle on which he takes charge of the Government in Ireland—that he is proceeding thither to administer the law as he finds it—to carry the law into effect—to give it power and force, and to administer it with impartiality. If I know any man who is likely to act up to those principles it is my noble Friend; and I feel perfectly satisfied, that under the circumstances, a better choice could not have been made than has been made in him.

The Duke of *Wellington* confessed, that he should have been very anxious to have avoided entering into this subject had it not been for some things that had fallen from the noble Viscount, in the course of what he stated in reference to his noble and learned Friend behind him. The noble Viscount had been pleased to cast an imputation on his noble and learned Friend (Lord Lyndhurst) that the course he had taken was likely to prevent the good working of the measure adopted by her Majesty's Government. The noble Viscount seemed to have forgotten entirely what had passed a few nights ago in that House — that the discussion was not brought forward by his noble and learned Friend, but by the noble Lord opposite, and that what the noble Lord opposite had said, rendered this discussion necessary. It was perfectly true, that they stood now in a situation very different to that in which the House was a few nights ago. He (the noble Duke) was not in the House on that occasion; he had been discharging his public duty, at that time, in another part of the country; but from what he had seen and heard of that discussion, his noble Friend then did produce reasons which were considered by their Lordships amply sufficient for the step he took. The explanation of the noble Viscount was totally different from the text which had been read by the noble and learned Lord; and he considered that text as calculated fully to justify his noble and learned Friend in calling on the Government to make some representation of the grounds on which they had made the selection of the noble Lord to the high office to which he was appointed. The noble Lord (Baron Fortescue) had stated his determination to carry on the Government in Ireland upon the principles which were stated by a noble relation of his (the noble Duke's) own, upon assuming that same Government some years ago, namely, that he should go there to administer the law, and not to alter it; but then the word war had been used, and was he going to administer the law as it stood, or did he mean to carry on a war for the alteration of the law? Was the noble Lord going to carry on an administration of the law by war, or was he going to adopt the more formidable manner of war by carrying forward those measures, taking them even according to the terms used opposite, constitutionally adopted, as they supposed, and which had for their object the alteration of the law? He should be ashamed of himself, if, knowing what he did of the noble Lord, and after having heard him this night, he could suppose the noble Lord would, in any manner, be a party to those measures which ought, in reality, to be called measures of war—which ought really to be called formidable—that the noble Lords could have approved of them, or, under any circumstances, could be a party to them. He did expect, after what had been stated by the noble Lord, that he would go there to administer the law impartially, and that he would extend the protection of his Government to persons, to property, and to every thing that called for protection in that unfortunate country. He believed, that was what the noble Lord would do, and by such an administration of his power, he would prevent war. The real question here was the Protestant religion and the Protestant Church in Ireland. That was the real question. This had been a principle of the Government and of the policy of this country for hundreds of years. The principle had been re-asserted over and over again at different intervals. He would go no further back than the Acts and Treaties of the Union. Since that time there had been what was called the Catholic Emancipation Act, and in that Act, as well as in an Act which has been subsequently on the table of both Houses of Parliament, the principles of the Protestant Church in Ireland were again asserted and maintained, and the stability of that Church secured by the oath required to be taken for its maintenance. The noble Lord said, that the Church Establishment was far too extensive for the wants of the Protestant population of Ireland; but, it appeared to him, that it was no more than adequate for the important and onerous duties it had to perform. When he first read the explanation of the noble Lord, and when his attention had been first drawn to it, he thought it was due to her Majesty's Government to institute some inquiry. He wished to see what was their policy, what was their intention, as to the administration of justice in that country, and whether they still intended to maintain the Protestant Establishment in that country? He was very happy to hear the explanation of the noble Lord, and his firm and high intention to administer the laws with impartiality in that country. He would remind that noble Lord, that filling the high office of the representative of her Majesty in that country, he had, as he happened to know, very great power and patronage in respect to that Church, and, really, he thought they should have some security for the performance of those duties beyond the bare declaration the noble Lord had been pleased to make that night, that he would maintain the laws. The House and the public had a right to expect from the Lord-lieutenant of Ireland, that he would not only maintain the laws, but that he would carry them into execution in such a manner as to carry into effect the policy of that country, for the maintenance and support of the Established Church. That was the point to which he thought both that and the other House of Parliament had a right to look with great jealousy, having little more than the mere declaration of the noble Lord, that he would maintain the laws. He felt it his duty to offer these observations to their Lordships, and to the noble Lord opposite, for whom he personally entertained the highest respect.

Lord *Brougham* said, my Lords, I rejoice greatly that I gave way to the noble Duke, as it enabled the noble Duke, to deliver his manly and candid statement, which has been marked with the same manliness which has influenced every part of his career. My Lords, I also do not regret that my noble and learned Friend brought forward this question last week, and I differ with the noble Viscount near me, who has lamented its being brought forward, because, I think, nothing more important could have been achieved than that which has arisen out of my noble Friend mooting the case. I mean the explanation which has been given by my noble Friend, the new Lord-lieutenant for Ireland. He has told you, what I think has been mistaken by my noble and learned Friend—what, I think has been misrepresented somewhat by my noble and learned Friend, doubtless, from his impressions of it, viz.:—that my noble Friend's (Lord Fortescue's) opinions remaining the same to the extent of the Irish Establishment, that he still considering so disproportioned an Ecclesiastical Establishment as a grievance to the people of that country, that he nevertheless is not an enemy or an adversary, or in any manner of way an antagonist, whether peaceably or hostile, of that Establishment, but only of its excess. This is my understanding of my noble Friend's explanation—therefore, it was not correct to misrepresent him as adopting expressions put into his mouth—"that the Irish Church Establishment was a stain and a disgrace to that country." My noble Friend meant its present overgrown dimensions, and no other. He has given the best evidence that he himself, acting in his own capacity, confronting the outrageous clamour that had been raised, has rendered implicit obedience to the laws. Therefore, my Lords, I hold this explanation to be of great importance; for it now appears, from my noble Friend's own declaration, that whoever has represented him as an enemy to the Church, except to its abuses, has grossly and foully misrepresented him—that whoever expects from him overt acts of hostility to that Establishment will be utterly and entirely disappointed—that whoever may dream of seeing him attempting to do that indirectly, which he dares not avowedly do, whoever, as the noble Duke well, and justly, and accurately, observed, shall expect from my noble Friend, the new Lord-lieutenant of Ireland, an indirect and silent countenance of the scheming of some parties against the Church Establishment, or the Constitution of these realms, will find, they have to do with a man who is by far too honest and plain dealing for their sinister purposes—that whoever hopes to find in him a ready tool for their own private ends, will find their hands deprived of the instrument which they had smilingly opened to grasp—that whoever looks to him for allowing all the measures to be introduced to be made suitable to their partizan views, and all the patronage to flow into their particular channels, will be instantly, and immediately and bitterly disappointed. My noble Friend has told your Lordships, quoting the words of one of his most illustrious predecessors, whom to name is at once to praise—I mean Marquess Wellesley—"That whatever his opinion may be of the form and structure of the law, he goes to administer that law and not to change it"—by which is meant to administer the law, and see that that law is carried into execution—to see that crime is sought out, and criminals found out, and trials had, and convictions found, and sentence executed, in order to deter evil doers in the like behalf from offending in future; and my noble Friend goes to make those laws, if they cannot be amended and improved, so as to be respected, he goes to make them be obeyed. So long as my noble Friend pursues that honest, manly, course of strict duty, he will entitle himself to the confidence of the country—to the forbearance even of his adversaries, and to that which is better than the one or the other, to the approval of his own honest conscience. If he takes another course—if he submit to dictation from any quarter—if he suffers any man to tell him, "I have 6,000,000 of men at my back, choose between their plaudits or their hatred, if he do not honestly make his election, and prefer the hatred of all the lawless and all those against the law—if he depart from what he has to-night laid down as his principle of action—if, instead of an administration of the laws, he makes himself only the executor of the wishes and designs of certain parties—then all that has been done by my noble and learned Friend's notice—all that has been done by the noble Duke's observations, all that has been done, and all that has been temporarily and provisionally accomplished by my noble Friend's explanation and by his avowed and declared intentions will all the more redound to his shame and disgrace. and to the discomfiture of those who have appointed him, instead of conducing to his own glory and the lasting benefit and advantage of the country. And then men will say, "you sent over a fireband among combustible materials;" and men will say, even his good qualities are noxious if used as a firebrand among those materials; and then I shall have the sorrow to know, and the country will have the sorrow to feel, that those great qualities which I have long experienced, that good character to which the other night I bore my feeble testimony—that long experience of public affairs—that descent and lineage, and the name my noble Friend bears, from one of the greatest judges that ever sat on the bench in England, will all vanish, will all go against him, will all be converted into materials of which torches and firebrands are made—his race and name will go for nothing.

> "Quamvis Pontica Pinus,
> Sylvæ Filia nobilis,
> Jactes et genus, et nomen inutile."

My Lords, I know which of these two parts my noble Friend will choose, and he will act up to the declaration which he has this night made. The enemies of the constitution, who would be the worst enemies of my noble Friend—for in this instance, the praise which has been lavished on his supposed speech, which he turns out never to have made, are only, flatterers.

> Pessimum inimicorum
> Genus, laudatores.

The enemies of the constitution, who would be the enemies of my noble Friend, will find that those who wish to employ him for evil have mistaken their man. My noble Friend will hold the balance even between the conflicting parties, as his noble predecessors, Marquess Wellesley and the Marquess of Anglesey, have formerly done; and as my noble Friend, who has just returned from Ireland (as far as circumstances allowed him, to hold it even between both parties) has also lately done.

Lord *Wharncliffe* begged his noble Friend (Lord Fortescue) not to suppose for one moment, that he or his noble Friends found fault with him for the speech which had been alluded to, that speech was not discreditable to him—he had a perfect right to make it as a Member of Parliament, but in their opinion there was something which ought to have prevented the Government from appointing him to the office of Lord-lieutenant of Ireland. He found fault with the Government for making the appointment in the particular circumstances—his noble Friend was then only a Commoner, and it was usual, that the office should be filled by a Peer, and he was raised to the dignity of a seat in that House for the purpose of the office. The Ministers might attempt to disguise it as they liked, but it was impossible that his noble Friend could go to Ireland without filling the Protestants with fear and alarm, and raising hopes in the breasts of the Catholics. Were they not justified in taking that view of the conduct of Government, and looking with jealousy at the appointment of his noble Friend? That was not an isolated case. In October last a nobleman, then holding a situation in her Majesty's household, within two months after her Majesty expressed a hope, that the Tithe Bill would work for the benefit of the country, signed a requisition calling a meeting for the total abolition of tithes—he attended that meeting, and supported its object, and yet he belonged to the household still. That alone was sufficient to make them jealous of the conduct of the Government in any appointment connected with Ireland. Such facts gave rise to much jealousy as to the policy and intentions of the Government. The Protestants of Ireland would naturally view the appointment of his noble Friend with much alarm, in consequence of the speech, which there was no doubt he had a perfect right to make.

HOUSE OF COMMONS,

Monday, March 4, 1839.

Minutes.] Bill. Read a first time:—Clerks of the Peace; Controverted Elections.

Petitions presented. By Mr. V. Stuart, from Waterford, for Municipal Reform (Ireland).—By the Attorney-General, from the Sugar Refiners of Leith, for the Importation, duty free, of Raw Sugar, the produce of Free Labour; also for a lower duty on Coffee.—By Sir Robert Inglis, from the Clergy of Windsor, against the fourth Report of the Ecclesiastical Commissioners.—By Mr. Morris, from Monmouth, for an Equal rate of Postage.—By Sir Edmund Filmer, from the Arch-Diocese of Canterbury, against the Ecclesiastical Revenues and Duties Bill.—By Colonel Grant, from New Spinie, for Church Extension in Scotland.—By Sir George Strickland, Sir John Yarde Buller, and Messrs. E. Ellice, jun., F. Maule, Baines, Lister, H. Marsland, Bannerman, and Dennistoun, from a great number of places, for the Repeal of the Corn-laws.—By Sir J. Graham, Lord Elliot, and Messrs. Round and Hurt, from several places, against the Repeal of the Corn-laws.

Mexican Blockade.] Viscount *Ingestrie* wished to ask a question of the Government, or rather of the hon. Gentleman, the Secretary for the Admiralty, namely, whether any negotiations were pending, or had taken place, between the Government of this country and the Government of France, relative to the late outrage committed against the British flag? This injury had created a great feeling in the country; and he was anxious to know, also, whether any fresh information had been received from Commodore Douglas?—for if there had not, he gave notice that he would move, on an early day, for the production of the letter of Lieutenant Croke.

Mr. *C. Wood* replied, that the Government had received no further communication since the noble Lord first asked the question. In answer to that question, he had, in the first instance, said, that on the receipt of the intelligence, Government had determined to make a representation to the French Government; but before this determination could be executed, a dispatch was received from Commodore Douglas, informing the Admiralty, that as soon as he had arrived at Vera Cruz, he had received a satisfactory explanation, but he did not state what that explanation was; and having reason to expect a fuller dispatch, he thought it was better for Government to wait till they were possessed of full knowledge before they took another step.

Mr. *S. O'Brien* wished to know, whether any indemnity had been given to the Mexican pilot who was taken from the British vessel?

Viscount *Ingestrie* would like to be informed, whether there was any objection to produce the letter of the lieutenant?

Mr. *C. Wood* objected to its production till the whole transaction was in a more forward state; and he must say, that he thought the mode in which this subject had been treated by hon. Gentlemen opposite, was not a mode becoming the dignity of that House."

Mr. *Goulburn* said, it was a rule that questions were not to be put argumentatively, and he must say that by the same rule answers ought not to be given argumentatively. By so doing, they were giving an unfair advantage to one side of the House.

Captain *Pechell* had a question to put, which he thought not beneath the dignity of the House, nor against its rules. It was a question, too, which he did not wish to be mixed up with any negotiations between the French and English Governments. Did the hon. Gentleman, the Secretary of the Admiralty, intend, when he had information not now in his possession, to lay all the information on the Table of the House; and in particular, did he intend to lay on the Table the log-book of the Express packet whilst she lay at Vera Cruz?

Lord *John Russell* said, that a reply to the question must depend on a consideration of the intelligence which might arrive. It was impossible for the Government, not having received all the information, to pledge itself beforehand to produce any particulars; but when the information arrived, the opinion of the Board of Admiralty and of the heads of the other departments would be collected upon it.

FACTORY COMMISSIONERS' REPORT.] Lord John Russell moved the order of the day for a Committee of Supply.

Lord *Ashley* would avail himself of that opportunity to bring under the attention of the House a subject which, as he conceived, affected the privileges of the House and the character of some of its Members. He had no commission to speak of names other than his own. He spoke only on his own behalf; and as his name had been so frequently introduced into the report of the factory commissioners, he could not suffer the report to pass unnoticed. The House would see the painful position in which he was placed. It was impossible for him not to notice this document, and yet, to do it, he must step between hon. Members and the most important business before the House; he would have delayed his motion had it not been certain that he should have been liable to imputations if he postponed it. The House would recollect that last year a committee of that House sat to inquire into the combination of workmen in England, Scotland, and Ireland, which committee reported the evidence to the House. Since that time a report had been made, pursuant to an Act of Parliament, by the inspectors of factories, to the Secretary of State for the Home Department. The report written by Mr. Stuart, the commissioner for Scotland, contained charges against some persons, not only in their character as Members of Parliament, but also on their conduct as Members of committee, commenting upon their speeches, and imputing to them the very worst of motives. Had these imputation been made in any newspaper, in a speech at any public meeting, or in any correspondence which might have come to his knowledge, he thought, considering the nature of the charges and the source whence they arose he should have treated them with the utmost contempt; but when a Government officer in a report, delivered in the discharge of his duties under an Act of Parliament, put forth serious charges and imputations commenting on the proceedings of that House and bringing in a vast quantity of extraneous matter—when such a report had been received by the Secretary of State for the Home Department—when it had been sanctioned by his authority, and when he had advised the Crown to do what was not required by the Act, to lay it upon the Table of that House, having thereby made the sentiments contained in it his own—and when in addition to all this, he found, that the report was to be printed and circulated at the expense of the public, it assumed a most important aspect, and he felt bound to call upon the Secretary of State for the Home Department either to maintain the charges contained in the report, or to withdraw them. The matter was entirely voluntary on the part of the Secretary of State; the Act required the Commissioners to report to him, but it did not require him to lay the report before the House; and with respect to the Commissioners themselves, the Act bound them down to the points they were to report upon. They were to report the condition of the factories and mills, and the state of the children, and they were to say whether the several factories and mills were conducted according to the provisions of that Act, and of the laws of the realm. When, therefore, the noble Lord saw a report containing extraneous matter having nothing to do with the factories, making charges against Members of that House, and against Committees of that House, instead of presenting it to that House, the noble Lord might have said to the Commissioners, "Your report is not in the terms of the Act, and beyond your jurisdiction, you had better, therefore withdraw it, and send in one more suitable to the occasion;" But the noble Lord took no such course; he had not said so; he had adopted the report; he had adopted the allegations it contained; he had laid it upon the Table of the House, and he had thus lent to it the sanction of his high office, and he had caused it to be printed and circulated at the public expense. In the first place, he complained of what was contained in p. 53, where it was said,

> "The only legitimate object for which the Committee was appointed, was 'to inquire into the constitution and proceedings of any combinations of workmen or employers of workmen,' an object altogether foreign to the inquiry which the Committee was instituted to carry on, which was 'with a view to show the impracticability of the provisions of the Factory Act, and its systematic violation in the cotton spinning factories at Glasgow.'"

The mildest charge, therefore, was, that the Committee had violated the order of reference for purposes exclusively their own. In the same page he found it stated,

> "The intention of the Committee to institute such an investigation was in no way made known to the factory owners in Glasgow, or generally in Scotland.'

What these intentions were he did not know, and he called upon the Secretary of State for the Home Department, if the Committee had such an intention as was suggested, to prove it. This he held to be a very strong point. The report went on—

> "The course followed by the Committee in concealing their intention to include in their inquiry the enforcement of the Factory Act is the more liable to animadversion, because one of the Members of the Committee, previous to the examination of the three cotton spinners, had a private meeting with them, when he specially interrogated them respecting the alleged animadversion of the Act, and its violation in Glasgow."

There the Committee was charged with having designedly and purposely concealed their real objects from the factory owners, and for that proceeding they were liable to severe animadversions. That might be a fair charge for the noble Lord to make in his place; but he asked whether the noble Lord thought it was within the jurisdiction of an inspector of factories thus to comment upon the proceedings of the Committee in a public document, notwithstanding the privileges of the House, and then to circulate that report through the country at the public expense. Now, involved in that sentence, there was also a personal charge:

> "It is the more liable to animadversion, because one of the Members of the Committee, previous to the public examination of the three cotton spinners, had a meeting with them."

Would the noble Lord say who that was? [Lord *John Russell:* I don't know.] There was the difficulty. The noble Lord laid on the table a document containing a charge against some one he did not know. It was a personal charge against some one Member which the noble Lord sanctioned with his authority, and ordered to be printed; and yet he now said he did not know to whom the charge referred. [Mr. *O'Connell:* It means me.] No doubt the hon. and learned Member for Dublin was perfectly capable of defending himself against any charge. There was another charge against the hon. and learned Member for Dublin, in which he (Lord Ashley) believed the hon. Member would not acquiesce. The next passage to which he wished to refer was in the 54th page. This was an allegation which affected himself personally, not so much for his conduct in the House as in Committee. It stated that

> "Messrs. Houldsworth, Todd, and M'Naught, the three cotton spinners examined by the Committee, were selected by a meeting of the cotton spinners of Glasgow as the fittest persons to appear before the Committee as witnesses; and it may therefore be assumed, that more respectable or better informed individuals could not be found: yet not a single question respecting the operation of the Factory Act was put to Messrs. Houldsworth and M'Naught; and when Mr. Todd, in answer to Lord Ashley's second question to him, said, that he took no children under thirteen, his Lordship did not put another question to him."

He would state to the House how the matter really stood. In answer to the 522d question which was put by Lord Granville Somerset, "Can you state what proportion of labour is displaced by the new machinery, the self-acting mules?" Mr. Todd said, In the self-acting mule the spinner is entirely displaced. The same number of hands are used of little children to keep it in order, but the spinner is totally dismissed." Lord G. Somerset afterwards asked, "How soon do you take your children into your work?" and the answer was, "We do not take any in below the highest ages allowed by the Act, thirteen years old: you can take them in at under age, but there are certain restrictions of working short hours and giving them education." Then it was, that he (Lord Ashley) asked the single question, "Do you take none under thirteen?" and Mr. Todd answered "None," and there it ended. Upon this question thus thrown in, was brought a charge of some unfair dealing, the whole scope of which he could not quite gather. He perfectly recollected that when the witness said he took no children under thirteen years of age, he wished to ascertain this point: he had been told, that in many mills in England and Scotland the masters anxious to be quit of the burdensome provisions of the law had determined to employ no children under the age of thirteen, or those restricted to eight hours labour a-day. He, therefore, wished to know whether this was one of the mills. He put this question, and having received the answer he was satisfied. How was it possible, to a charge so indefinite he could give a more definite answer. The noble Lord might smile, but he would say, on his word of honour as a gentleman, that he had no other intention or motive. He had no intention of going into the Factory Act, and he had no view, distinct or indistinct, towards an exhibition of the inoperative parts of the Factory Act. He wished merely to ascertain the simple fact he had stated, and on the answer he had received he rested; and yet on this was grounded an accusation, that (if he was to judge from a morning paper of the day) a person more unfair, more disingenuous than himself, did not figure in the House or out of it. But again, in page 54 of the Report, it was stated, that "the examination of the combined cotton-spinners, and of Mr. Alison, was conducted, so far as related to the Factory Act, in such a way as could not fail to inform the witnesses of the answers most agreeable to their interrogators. Thus, Lord Ashley, interrogating Angus Campbell, asks, 'To your knowledge the Act is set at defiance?' Words which the witness never used, and which imply a very different meaning from those which the witness did use." Now, he must be permitted again to refer to the minutes of evidence, from which it would be seen, that he was not the party who moved the inquiry, but that the culprit was the hon. and learned Member for Dublin who opened it. The hon. and learned Gentleman had asked, "Is it your opinion that the law is honestly worked out by not taking in children under nine years of age, or do you think there is any fraud?" The answer to that question was, "I must say distinctly, that the operative cotton-spinner is necessitated to overlook the law, and in order to keep his machine moving, to take children below that age." Upon that, he (Lord Ashley) came in with the question, "To your knowledge is the law set aside?" Answer, "Yes." The hon. and learned Attorney and Solicitor General may smile, because the question might not have been put according to strict legal forms, but he believed it was put in a manner usual in committees of that House. Being surprised with the strength of the witness's language, instead of adopting his expression, "overlook the law," he (Lord Ashley) merely put the question, "To your knowledge is the law set at defiance?" And was not the law put at defiance? Is not a law set at defiance when its main provisions are actually and systematically disobeyed? Could that be doubted when the witness told the committee, "I most distinctly say, that the operative cotton-spinner is necessitated to overlook the law in order to keep his machine moving." And was it right that such a charge as that contained in the report should be grounded upon these two questions—the only two on which the charge was built against him in the report of Mr. Stuart, adopted by the noble Lord? In pages 58 and 59 the report went on with a number of special charges against him, which he thought the noble Lord had better have made in his place in that House, instead of in a public document, and thus sheltering himself under the guise of a report. In pages 55 Mr. Stuart said, "Having now explained enough of the circumstances connected with the proceedings of the committee to prove them to have been entirely of an *ex parte* description, and very questionable in other respects, I am now to submit to your Lordships, &c." Would the noble Lord say in what it was questionable? Would the noble Lord state that this was proper language to be used by a Government officer in reference to proceedings of that House? If the noble Lord really entertained those sentiments, it would have been more becoming his high station to have made them the grounds of a substantive motion. In the same page the committee was said to have made assertions which the inspector declared to be calumnious, but that charge might be answered by the hon. and learned Member for Dublin, from one of whose speeches an extract was given. In page 59 Mr. Stuart had these words:—"If I had adopted what seems to be Lord Ashley's interpretation of the law, that the inspector is bound to prosecute for every offence against the Act, whether wilful or not." And in page 60 was the following passage:—"The very last case noticed in my first report (report of December 31, 1836) appears to me to furnish a good example of the bad consequences likely to result from adherence to the rule which Lord Ashley seems to consider to be absolute, to treat offenders against the Factory Act with as much rigour as midnight robbers and murderers." He asked the noble Lord opposite to show him anything which he had ever said or done that justified the application of such terms to his conduct. He asked whether these were proper or even decent expressions by a paid Government officer to be put in the shape of a public document and remain on the records of that House? The next point was one upon which he could not refrain from insisting, because he did think it a matter in which the House was bound to interfere, not as referring to his own character, but inasmuch as it affected the character of the House. Was it fair that any person should be permitted to impute such base and unworthy motives to those who had thought it to be their duty to undertake a very onerous task, exposing them, too, to much obloquy; a task, however, which they had taken on themselves solely through a sense of public duty, The following passage was in page 56:—

> "The real object of all the advocates of the Ten Hours' Bill is altogether different from the avowed object. They probably deceive themselves into the belief that, by their endeavours to have the present law enforced with strictness, by leaving with the inspectors no discretionary power as to prosecutions, and thus converting the law into a means of oppressing the manufacturers, they are, to some extent at least, forcing the factory occupiers into a compliance with their favourite scheme; but their chief aim, although their prejudices and prepossessions may render them blind to it, is to pave the way for a Ten Hours' Bill, by disparaging and bringing the present law into discredit."

That might be the opinion of the noble Lord opposite, or it might not; but he would ask the House whether they would justify the imputation of these wholesale charges against the motives of hon. Members, and, above all, whether an individual holding an office in the pay of the Government, and appointed to discharge defined duties, should be permitted to travel out of the line of those duties, for the purpose of throwing foul charges and base imputations against hon. Members, whose sole crime had been to give their conscientious support to a measure for limiting the labour of children in factories? Had he (Lord Ashley) ever inveighed against the bill in terms so strong as those which had been employed the other evening by the hon. Gentleman, the Under Secretary of State? If he had spoken for a week, he could not have said a tenth of what that hon. Member had said in reprobation of the system, and he held that nothing could more completely than that language justify the course which he had pursued for so many years. This was the sum of the charges and insinuations which had been levelled at the committee, and at those who had acted in accordance with him in this matter. There were also spread throughout the report a great many charges and insinuations against himself personally; but, as they involved no charge against him as a Member of Parliament, he had too much respect for the House to trouble them with a matter which might be considered merely personal. But as to the other charges contained in that report, to which he had already specifically referred, he would say that the noble Lord opposite was bound to bring them forward in a more tangible shape. He was bound to give him every opportunity of refuting those charges, and explaining all those hints and dark surmises, which could not fail to discredit him somewhat in the general estimation of the country. There was only one point directed against himself personally to which he thought it necessary to advert, inasmuch as it seemed to involve; not a breach, but the misuse, of privilege. He wished the noble Lord to observe that he laid some stress upon this, because he found in the *Morning Chronicle* of that day an attack upon him, a very sharp attack in many respects, and which, as it followed the circulation of the papers in question, he certainly believed was dictated by the contents of the report. The article to which he referred was particularly severe upon him with reference to the fact of his having presented a copy of the evidence taken before the committee to Mr. Macnish, of Glasgow. In page 31 of Mr. Stuart's report was the following passage:—

> "I found on arriving in Glasgow early in August, that James Macnish was already in possession of the printed minutes of evidence—that is, of the first report of the committee on combinations, which he stated had been sent to him by Lord Ashley. Not one of the master cotton-spinners was then in possession of those minutes."

If the master-spinners had not provided themselves with copies of that evidence it was their own fault. He had bought the copy in question at the establishment which Mr. Speaker had instituted, so much to the convenience of the House. He bought it many days after the report had been put into circulation, and when it was publicly on sale. The noble Lord indicated his acquiescence in what he said. But he trusted that the noble Lord would also see how extremely hard it was, that for no greater an offence than this, for doing that which might have been done by any other individual, he should be held up in a political document of this kind to public view as an individual having abused his privilege as a Member of Parliament. The whole report was full of things of the same description. He would not at that moment enter into them, because he had already trespassed but too long on the indulgence of the House. He had to express to the House his gratitude for the attention with which they had heard him, but he would not inflict upon them matters of a purely personal character. In short, he held the noble Lord to have received a report which was not warranted by the terms of the Act, which required a mere report upon the state of the factories; whereas the report, in the present instance, was filled with insinuations and personal charges against Members of that House. The noble Lord had taken the report without inquiring into the facts of the case—a report containing serious charges against hon. Members, and one especially made against a party of which the noble Lord admitted that he had no knowledge; and yet the noble Lord laid such a report upon the Table of that House, had it printed and circulated throughout the country at the public expense. He put this question to the noble Lord, as a Secretary of State, and more, as a gentleman—would he withdraw those charges, or did he concur in them, and (if he concurred) would he substantiate them? Let him do one or the other, to him it was indifferent which course the noble Lord took. Would he stand stiffly by the charges, or have the candour to say that they had been rebutted, and were not to be considered as emanating from him?

Lord *J. Russell* inquired, whether the noble Lord had said all that he intended to say in support of the statement with which he had set out at the commencement of his speech—that in this report the worst motives were attributed to certain Members of that House?

Lord *Ashley* stated, in reply, that he considered the *gravamen* of his charge to be fully maintained by the paper which he had already read from page 56 of the report, which charged himself and other hon. Members with having tampered with the law of the land, with a view to the forwarding certain private speculations of their own.

Lord *J. Russell* was glad that he had asked the question, because the answer had drawn his attention to the precise ground of complaint. With respect to the whole matter, he must say, that the charge against the noble Lord—if it were to be called a charge—was, that he had listened to persons who had described horrors not worthy of belief. That was the whole of the charge. But throughout there was no statement of a charge; but the real fact was, that it was a defence on the part of Mr. Stuart against statements made in that House. It was stated publicly in that House, and particularly by the hon. and learned Member for Dublin, that the Factory Act was not in any way put in force in Glasgow; and it happened that during that debate the noble Lord desired, that in fairness the evidence given before the Committee, but which was not reported, should be stated to the House. The fact, however, was, that it did get abroad, and when the report was printed, it was found that it charged against Mr. Stuart not merely that the Factory Act had not been put into operation at Glasgow, but that he, being a factory inspector, and being bound, if he had the power, to carry it into effect, had reported to the Secretary of State from time to time, in seven or eight reports, that the act was generally carried into effect—the fact being that it was not, and that its provisions were violated every day. He said, then, that there could be no heavier charge made against a man than this. Was he to say to Mr. Stuart, "You are charged with a violation of your duty—you are charged with making false representations to the Government—you are charged with a total ignorance or a concealment of facts which passed daily before your eyes; that the charge is made by a Member or Members of the House of Commons, but I tell you that you must submit to it, and you cannot be allowed to have the means or the power of proving the falsehood of those charges." Was he to say that to any man who was employed in an office subordinate to his own? He felt that if he had done so, he should have been treating that individual in a way which was unworthy of him, and in a manner which he was not entitled to do; for if he had said so, he might have said, "The noble Lord may make his charge, but it is not competent to you to say a single word, to utter a single syllable, to deny the allegations, and to urge that you have acted properly in the discharge of your duty." In fact, the object of the report was the defence of Mr. Stuart. It was, as the noble Lord had said, in pursuance of the provisions of the act to show the manner in which children had been employed under the statute; but in showing that, how could he but show that the allegations that children had been employed in violation of the act were not true, or that the cases which were stated had escaped his attention, or that when they were brought under his attention he had taken due notice of them. That was Mr. Stuart's duty, and he owned that without calling upon him to make any defence, he should have given him some six months longer with these charges hanging over him, without expressing any opinion upon the subject, but that then, if no explanation were offered, he should have said, "This is most extraordinary conduct on your part; you have permitted it to be said that the act has not been carried into effect within your department in Glasgow, and you have, by your silence, admitted the truth of the charges;" and he, acting under his impression of the circumstances stated, should have thought it his duty to dismiss him from the situation which he held. Then, allowing Mr. Stuart to enter into his defence, was he to make his answer a secret? Was he to say, "It is very true that you have given me reasons which satisfy my mind, but I will not inform the House of Commons?" What had been the course of the noble Lord? He made this charge against the Government for laying the report before Parliament, but he thought that he should be able to show the noble Lord that in doing so he was acting in concurrence with his opinion. The year after he had come into office he desired that there should be more frequent and particular reports made than were before required, and that the inspectors should give him an account of all the mills which they visited, and that superintendents should also give to the inspectors an account of their duties. He did this thinking that this was the course actually in accordance with the wishes of those who were always calling the attention of the House to the Factory Act, and of those who said that the inspection under the act was neglected, and he conceived that in doing so he should be carrying into effect the wishes of those who always told him, at least, that they desired that the act should be observed. But it seemed that he was mistaken in the opinion which he entertained, and that the charge was to be allowed to be made after the House had received the report. The noble Lord had brought forward the subject in a very singular shape, and the inferences which he had drawn were still more singular, but it was competent to him to show that all these statements were mistaken, and that what he had originally maintained in that House was correct, and that Mr. Stuart, although naturally eager in his own defence, had not wrongly stated the facts of the case. He did conceive, certainly, that he was responsible for nothing more than allowing the defence of Mr. Stuart to be brought before the House, and he believed that the Factory Act would be best carried into effect by allowing general statements to be made in reference. He imagined that it was one of the principles of justice that men who were charged with the commission of any offence should be allowed to revise what they had done, or to amend their proceedings, or to defend themselves against the charges brought against them. But if they were to be told that men were to make no defence—to submit to charges being preferred in silence—they could not expect that any man who had the least regard for his reputation—who had the least regard for his character—would consent to hold one of those offices of factory inspectors, in which they must suffer such injustice. In the very beginning of his report Mr. Stuart gave what passed in the Committee. He first gave the question of the noble Lord—" To your knowledge the law is set at defiance?" and then the answer was, " It was a matter of necessity: the mills would stand if such were not the practice." The opinion of the person giving the evidence being, therefore, that it was necessary to overlook the law by taking young children in below the age of thirteen for twelve hours work, and below nine years for eight hours work; and, in fact, that the machinery would not be kept moving without it; and the noble Lord who had put the question in this particular form, now said, in explanation of the point, that he did not mean that there was a wilful disobedience of the law. But there was another question in the same page with regard to the master-manufacturers and their conduct to the spinners. The noble Lord asked, " What rule do they lay down to the spinners for the employment of children?" Now any one would have thought that a person desiring to elicit the truth would have stopped there; but the noble Lord having had previous information, on which no doubt he fully relied, went on " Do they not tell them that they must have children in at all hazards?" Why, if he had merely asked the rule laid down it would have been sufficient, but by asking the witness whether it was not said that the children must be had in at all hazards, he suggested an answer which the witness gave in saying " Yes, or drop their work." Then in page 30 the noble Lord said, " Has it been one of the objects of your late combination to enforce the observance of the law for regulating the labour of the children in the factories?" and the answer was, " As far as the hours of labour extend, that has been one of the principal objects of our Association, but we have not interfered in any point, such as enforcing the schools. It is my opinion that the hours would be lengthened by many of our employers were it not for our Association. This and several other questions were put by the noble Lord and other Members of the committee, and the answers were given by Angus Campbell, James M'Nish, and John M'Caffer. The observations which were made contained a charge against the factory inspectors, and in particular it was pretended to show that the Act had been frequently violated, and Mr. Stuart accordingly entered into a great deal of proof to show that no wilful neglect had taken place; that the Act had been observed, and that he had not stated those wilful falsehoods in his report to the Secretary of State which it would be believed he had by any one who attended only to the statements made before the committee and before this House. He then came to the passages of which the noble Lord had complained. It was difficult for him to ascertain which of them it was that imputed to him that he or any other Member of the House had been actuated by the worst of motives; and he could only gather from it that there were certain persons in Glasgow and other places, whose object it was, to obtain a ten-hours bill, and who would go great lengths to do that; and that several Members of that House, among whom was the noble Lord, had adopted their views upon the subject; and he conceived that that might be done without derogating from the opinion of any Member of that House, because some entertained different opinions. The part which had been read was this:—

"The intention of the committee to institute such investigation was in no way made known to the factory owners in Glasgow, or generally in Scotland; nor, which is more remarkable, to Messrs. Houldsworth, Todd, and M'Naught, the three factory-owners from Glasgow, who were in London at the same period with the three cotton-spinners, and were at the same time examined by the committee on that inquiry, for which alone the committee was appointed. These gentlemen left London on their return to Glasgow, in utter ignorance that the committee had put to the three cotton-spinners a single question respecting the operation of the Factory Act."

Now he (Lord J. Russell) did say, with Mr. Stuart, that until an explanation was afforded, and the noble Lord had not condescended to give any, it must appear to be a remarkable circumstance that these three cotton-spinners should have been examined at such great length as to the operation of the Act, more especially as a statement had been founded on that very examination by the hon. and learned Member for Dublin, that the Act was not enforced, and as the master-spinners had not been questioned upon the subject, and he did not think that it was a sufficient answer to say, that if the peculiarity of that circumstance was pointed out by any individual, he was guilty of a breach of privilege. On the other hand, however, he must express his opinion that a man might fairly say in his defence to a charge made against him, that witnesses were examined who were prejudiced against a particular course, and that those who were able to give testimony in opposition to their evidence, were not examined. In page 54, this question was given: "Are children taken under the age of nine?—No; I cannot say that there are any under the age of nine." Now, he must say, that this question at least showed that those who asked it were instructed that there were children under the age of nine, in order to bring that fact out if possible. [Lord *Ashley:* By whom was the question asked?] Mr. Stuart did not give the name of the Member; it was stated by him as part of his defence. The paragraph was in page 56, upon which the noble Lord founded his statement, that a charge was made against him and against other Members of that House, of their being instigated by the worst motives. But what was the statement in the report? The paragraph began thus—"Campbell and M'Caffer, two of the witnesses before the committee, when examined on oath at Glasgow, before the superintendent of factories, and the overseers of those factories, declared, that they knew of no instance of any child employed contrary to law, in the factories where they are employed; and M'Nish, when examined at Glasgow on oath, declined, although pressed, to specify any one case of violation of the Act, 'because, (as he alleged) he believed, that the children he named would be put out of employment.'" Mr. Stuart then went on to observe on this subject, and to remark upon the omission to specify cases, and then he continued "the answer is, I apprehend, too obvious, that the real object of the advocates of the ten hours law, as well as of those who deprecate legislation on the factory question, and who take a part in such proceedings as those of which I have found it necessary to complain, is altogether different from the avowed object." He certainly read this as being intended to apply to the witnesses, and all those who agreed with them upon this subject, and to all of them Mr. Stuart said, that they were advocates for the ten hours bill, and that in pursuance of their object, they endeavoured to show, that there could be no practicable factory law for children, that they all endeavoured to decry legislation upon that subject, and that they said, that those laws which were already in operation were not observed, and that none which could be framed would be observed. Was that the case which the noble Lord endeavoured to support in the Committee? If the noble Lord said, that it was, and that no act could be carried out with regard to children, and, further, that he was an advocate for a ten hours' bill in the case of adults, he must say, that he should hear such a statement with extreme surprise. He never heard, that such were the principles which he professed; and he should not, therefore, say, that the noble Lord was one of those who were included in the charge made by Mr. Stuart against those who advocated a ten hours' bill. The noble Lord had asked him, did he adopt this report. Why, he did believe, that there were persons concerned in promoting a ten hours' bill who went to very great lengths, and their opinions with respect to the present act, and of carrying it more completely into effect. They thought, that by decrying the factory act, and enlisting the humanity of those who were supporters of the interests of the children, they would get a ten hours' bill. He believed, that that was the case; he did not know whether the noble Lord was an advocate for the same measure also; but he did not believe, that he or any other Member of the House was included in the denunciation contained in the report. It was a denunciation, that there were those who deprecated the present law; but the case was not brought forward on that point. The blindness the noble Lord showed on the subject, he must say, was somewhat extraordinary: for he took the names of the witnesses who were examined, and he identified himself with them, and then he chose to say, that this was a breach of the privilege of Parliament, and must be intended against the Members of that House. He (Lord John Russell), however must certainly deny that interpretation, for the report did not bear it. That there were persons in Glasgow who had been employed in endeavouring to procure a ten hours' bill, and engaged in a manner far from doing them credit, he would assert; but he must say there were also persons, who, as Mr. Alison said, would take any means to carry their object into effect. But did he say, that they were Members of that House who were engaged in that conspiracy? Certainly not. There were three classes of persons, within one of which the noble Lord might be included. The first consisted of those who were anxious, for the sake of the children, to have the hours of labour limited, and to see, that the provisions of the law were carried into execution. There were others who were engaged in promoting a ten hours' bill; and then there was a third class who came within the description given by Mr. Alison, who said "Their principle is to carry their objects into execution, if they can, by legal means, and, if that will not do, by illegal means; and then, in the last instance, they will come to anything, to fire-raising, or murder, or anything that they choose." That was the account given of them by that gentleman, he being himself an advocate for a ten hours' bill. To say, however, that the noble Lord, because the evidence had been answered, was accused of lying under a charge of the nature he described, was, he apprehended, a complete mistake, for he thought there was a total absence of proof, that he was accused of investigating this subject with any motive but such as was extremely praiseworthy and proper. He was aware, that Mr. Stuart alleged, that many errors had been committed, and he must say, that he thought the noble Lord was so blinded by his zeal on the subject, that he often listened to persons of discreditable character, who were totally unworthy of belief, while he rejected the testimony of those who were persons of integrity and truth, and on whom he might rely with confidence. He made this charge against the noble Lord—he charged him with excessive credulity of all that was said of the hardships of the factory system, and of an excessive incredulity with regard to all that was said in its defence; but, in the end, as he had already said, he did not think, that the noble Lord was charged in the manner which the noble Lord had described. He in his situation in the Government had laid the report of Mr. Stuart upon the Table of the House, and he thought, that that individual, having been attacked, ought to be allowed to make his defence; and he certainly was of opinion, that the truth would be more likely to be ascertained by allowing a person to make the best defence he could to the accusation made against him than by other means. At the same time, however, he could not but say, that there were some phrases in the report with regard to the Committee which he should recommend to be struck out; but while he expressed this opinion he would never say to a man "You are arraigned in your public situation—you are exposed to the world as a person committing the greatest cruelties—as a man who neglects his duty, and misleads the Government by whom you were appointed; but mind—you are a person who must not venture to say a word in contradiction of the Member of Parliament, or of what is stated against you by a Member of Parliament; and, therefore, by tyranny and injustice, your defence shall not be presented to the world."

Lord *Granville Somerset* said, that he would not occupy the attention of the House many minutes; but he must say, that he did not think that the noble Lord who had just resumed his seat, had put the point very fairly to the House. The question was, did the noble Lord opposite adopt that portion of this report wherein all persons concerned in these proceedings of which the report complained, were charged with entertaining one object when they professed another. With regard to the credulity of his noble Friend (Lord Ashley), the noble Lord might well apply his remark to him (Lord G. Somerset), and to every other Member of the House, if they believed the explanation given by him of these passages of the report. The noble Lord had said, that the observations of Mr. Stuart applied to the persons who were giving evidence before the Committee; but how did he mean to take away the effect of the expression used in page 56, "that all persons who took a part in the proceedings were those of whom he complained."

Lord *John Russell:* The whole paragraph must be taken together, as I have already read it.

Lord *G. Somerset* was content to do so; and upon the context, he contended that it was the proceedings of the Committee of which Mr. Stuart complained. If, however, the noble Lord withdrew this expression used in the report, and said that something different was intended, he had no doubt that his noble Friend behind him would be sufficiently satisfied with that sacrifice of the English language to him. He begged the noble Lord, however, to turn to page 32 of the report, and there he would find evidence conclusive of the meaning of the observations subsequently used. It was there said,

> "The testimony of the three cotton-spinners, and of Mr. Allison, as given in the report of the Committee, would have been contradicted, however, not only by the evidence of the witnesses examined before the Combination Committee, had they all been examined respecting the observance of the Factory Act; but, as I am now to show, even by their own testimony, had they been cross-questioned, or examined by individuals conversant with factory employment, and warped by no prejudice in the proceedings."

Now, was that an expression proper to be used? It did so happen that he had taken part in the proceedings; and he was certainly warped by no prejudices, and he wanted to know what right had an inspector of factories to throw out an accusation against the Members of the Committee of being warped by prejudice, when it was known that they all exercised an independent and impartial judgment? This was what he complained of; not that Mr. Stuart should defend himself, but that he should accuse others. If the committee did not examine the manufacturers, was it their business to go to seek for them? There were friends of the manufacturers on the committee, Members from Scotland—the Lord Advocate, for instance—why did not they inform the manufacturers of the proceedings? The noble Lord opposite and Mr. Stuart, poured out the whole phials of their wrath against his noble Friend, and said, that he really sought one object while he proclaimed another. But it was extremely difficult to find out from the noble Lord's speech, whether he approved of the sentiments in the report or not, as while in one place he objected to certain phrases, in another he stated that he thought that Mr. Stuart was entitled to his defence. In his opinion, the whole report of forty pages consisted of insinuations against the committee. That committee was appointed at the suggestion of the noble Lord, and the right hon. President of the Board of Trade was one of its members.—[Mr. *P. Thomson:* I never attended.] He was perfectly aware, that the right hon. Gentleman had been inattentive—and therefore he complained, that those who had done their duty should get blame. If the right hon. Gentleman had attended, he would have got his share of the blame; but, having absented himself, he now shirked the blame. But there were two Members of the Government who attended, and even objected to the mode of examination. He did not know if they ever said anything—but he was quite convinced they then objected to the examination. But the inquiry they were now blamed for, was actually forced on them. What were the facts? The cotton-spinners were accused of combining for illegal purposes; and their answer was, that they were forced into the act by their position. Would it have been just, when persons wished to lay before the country their reasons for combining, that they should be refused a hearing? That might be the doctrine on the other side of the House, but not on that on which he had the honour to sit. With regard to the questions attacked, they were those of the hon. and learned Member for Dublin, who was quite able to defend himself; but Mr. Stuart further alleged that there was no man on the committee competent to examine a witness; and when it was recollected, that the hon. and learned Member for Dublin was the cross-examined, he would leave the matter between that hon. Member and Mr. Stuart. But the Lord Advocate was present; and he certainly would not have sat still while injustice was committing. The fact was, that Mr. Stuart's name was mentioned; and, indeed, the motion of his noble Friend behind procured for that gentleman's report, more of his attention than he should otherwise have given it. He was certainly not conversant with the working of the factory system, but he could not go along with Mr. Stuart in saying, that Manchester and Glasgow would be much worse if it were not for the factories. Further down, Mr. Stuart said—

> "Besides taking the children out of harm's way, they have imbued them with regular, orderly, and industrious habits. Their earnings are considerable, and are a considerable assistance to their parents; at the same time, that they make them perform their tasks with a zeal and alacrity that is rarely manifested by apprentices serving without pay, merely that they may learn some art, trade, or mystery. Many factories have also day-schools or Sunday-schools, or both, attached to them, which the children attend. But, independently of this, the training they undergo in factories is of inestimable value, and is not more conducive to their own interests than to those of the public."

Now, he certainly believed, that the factory system, when well conducted, was of course much better than when ill-conducted; but, under any circumstances, he could not believe it fortunate for children of nine years of age, to undergo confinement. He might be warped by prejudice, but, on the whole, he should be sorry to give anything like warm approbation to the factory system.

Mr. *O'Connell* was really surprised to see such excellent argumentation and such lofty indignation expended on a very trivial affair. It was, indeed, quite true that no Members could have acted with more impartiality, or with better motives, than the two noble Lords who had just spoken. But he was really surprised that the noble Lord (Ashley) should have considered the vindication necessary, or should even think it imperative on him to enter at all into this discussion. He would defy any one who had read that report, to say that he (Mr. O'Connell) was not the person who was principally attacked in it. He quarrelled with Mr. Stuart for two things. First, because he disparaged his (Mr. O'Connell's) powers of cross-examination, which he thought exceedingly discourteous, because he was an old lawyer, and also a Member of Parliament; and, next, because he said the committee had gone out of their way in the examination, in having had some members of the combination and the Glasgow Cotton-spinners Association, brought before them. He saw two or three of those persons outside the House, and he thought it would be giving fair play to the enemies of the combinators, to examine them. They had made out a complete case, if it were true; but, if it were false, it was a paramount duty to take care that the House did not act upon it. And he would have been obliged to Mr. Stuart, or any one else, who should show them that they were mistaken. Mr. Stuart reproached the committee, for not having examined the master manufacturers. The noble Lord did put one question to a master manufacturer, and obtained a negative answer, which precluded further inquiry. This was before the evidence of M'Nish—and Mr. Stuart was wrong in blaming the committee for not having put those questions to the master manufacturers, the necessity of which they could not have known until they had heard M'Nish. But the fact was, Mr. Stuart was a little angry when he wrote his report. No doubt he would have done his business better if he had written in a better temper. Still it was natural that he should have felt so, for if the evidence were true, it showed that Mr. Stuart had violated his duty—that he had neglected that for which he had received the public money, and to do which he had taken an oath or made a declaration. The evidence went hard on the master manufacturers, who, if the charges were false, ought to be defended. But he did not think that the noble Lord was at all disparaged by the passages in the report which the noble Lord complained of. It was not for him to counsel the noble Lord—nor did he want to obtrude a compliment upon him, but the fact was, the noble Lord stood too high in the estimation of his friends and the public to be affected by such imputations. There was no man who must not admit that his exertions and his anxiety on the factory question had been influenced by the most honourable motives. He, differing as he did, from the noble Lord in politics—a difference which he had never ventured to disavow—felt it now his duty to state that, in the opinion of all who knew him, the character of the noble Lord was not in the slightest degree tarnished by Mr. Stuart's aspersions. The noble Lord had, he submitted, therefore, quite enough of this affair. He would also, as he had already said, excuse Mr. Stuart for his hasty language, as he had been accused of neglecting duties which involved an obligation of the highest order of humanity—namely, the protection of those children on whose behalf the Factory Statute had been enacted. He would now sit down, repeating what he had set out with asserting—namely, that no two gentlemen could have acted with more strict impartiality than the two noble Lords who had last addressed the House.

Mr. *Goulburn* was glad the matter had been brought forward by the noble Lord, as it would contribute to stop, at the very first outset, a practice which, if allowed to be continued, would very materially affect the privileges of the House; for if it were to be allowed that individuals employed by the Government, and paid with the public money, might come forward and make charges against Members of that House as regarded the manner in which they performed particular portions of their duty, the effect would be very serious on that freedom of examination and discussion which was essential to the due performance of it. Mr. Stuart, too, had directed his attack against the noble Lord, the Member for Dorsetshire: but the charges against Mr. Stuart, out of which had arisen his report, were made by the hon. and learned Member for Dublin. He well remembered what took place on that occasion, and he could not help asking why the noble Lord, the Secretary of State for the Home Department, did not then stand up and defend Mr. Stuart, instead of calling on him to defend himself in a special report. He must also be allowed to say, that he conceived it to be the duty of a Secretary of State, when laying official documents such as the present on the Table of the House, to take care that no matter was allowed to be contained therein for which, had it appeared elsewhere, the writer might have been brought before other legal tribunals. He was glad to hear the noble Lord opposite bear testimony to the purity of his noble Friend's motives. His noble Friend's character stood fairly before the public, for no one who had observed his course with regard to the factory question could doubt, that his motives were most pure, and that he was actuated by the most enlarged benevolence towards the persons employed in factories, who were, indeed, already reaping so much benefit from the measure which had resulted from his exertions.

Mr. *Fox Maule* said, when the right hon. Gentleman opposite asked why the noble Lord the Secretary of State for the Home Department had not stood up in his place and rejected, when it was made, the statement that the Factory Act was not observed in Glasgow, he must have totally have forgotten what took place in the debate in question. On that occasion he had answered, and as he believed, conclusively, the accusation. He then quoted certain passages from the evidences of the witnesses, for the purpose of proving, that the charge then made by the hon. and learned Member for Dublin and the noble Lord opposite was unsupported by the facts. The charge in question was founded on the evidence of the witnesses M'Nish M'Caffer, and Angus Campbell, the effect of which was, that Mr. Stuart had neglected his duty, and that the mill-owners of Glasgow had been accessory to that neglect. Mr. Stuart, therefore, was bound, not merely on his own account, but in justice also to the mill-owners of Scotland, to give the most effectual refutation to this charge. He did not resort to the written defence until he was actually compelled to do so by the noble Lord's refusal to afford him any other means of refutation. Did not Mr. Stuart call on the noble Lord to name any one instance where there had been a violation of the Act, in order that an investigation of the circumstances might be made? Did not the noble Lord refuse to name any such particular case? And did he not also decline to go and judge for himself personally whether the facts stated were true or false? If the noble Lord was so situated as not to be able or ready to afford Mr. Stuart the opportunity of refuting the charges by personal observation, and if the noble Lord refused to specify any one particular case in which there had been a violation of the law, was not Mr. Stuart justified, compelled, in justice to himself, to take the only course open to him, the course of which the noble Lord had complained? He must say he was surprised at the ready credence given to the evidence of the witnesses in question. All the three had been for a long time members of the Combination Committee, and were prepared to go any lengths to attain the objects of the combination; and Angus Campbell had been committed as an accessory to a murder committed by the combinators, when he remained three weeks in prison. Yet it was on the evidence of such witnesses as these that charges had been made against Mr. Stuart. That gentleman had, in his opinion, acted quite justifiably in the course which he had taken for the purpose of refuting such charges.

Lord *Ashley* had by no means desired to preclude Mr. Stuart's right to defend himself; on the contrary, he had been anxious to give that gentleman every opportunity so to do. What he objected to was, that in defending himself he should have thought it necessary to cast what he felt to be a foul and unfounded imputation on an individual Member of Parliament. It was quite true, as the hon. Gentleman opposite had just said, that when the charge was made he (Mr. F. Maule) did contradict certain allegations; but he did so in a very different tone and temper from that of this report. As the noble Lord opposite, however, had given up his position, and seemed very frightened at the noise himself had made; he should not pursue the matter further,

The subject dropped.

Public Expenditure—Pensions.] Question again put, that the House resolve itself into a Committee of Supply.

Mr. *Hume* had a few observations to make before the House went into Committee; and, as the hon. and gallant Member opposite was not in the House when the order of the day was read, he had no right now to go on. That to which he was anxious to call the attention of the House was a matter which really did belong to the order of the day, for it had direct reference to the public expenditure. For some years past he had seen, with regret, that the expenditure of the country had gone on increasing. It was very natural that gallant Officers on both sides of the House should contend for the extension and improvement of the services to which they belonged; but he was for reducing our expenditure to the lowest possible point. He held in his hand a return recently laid upon the Table of the House, from which some curious results might be deduced. When in 1822, Lord Bexley, being Chancellor of the Exchequer, the dead weight loan was made of 13,000,000*l.*, there was a half-pay list civil and military of 5,000,000*l.*, and that loan was then granted on the calculation that the accumulation of officers, who had served during the war, would, in the course of fifteen or twenty years, be so much reduced, that the saving of pay then appropriated to them would be sufficient to pay off the loan. Certain rules were then laid down respecting pensions and promotions, which were to be so restricted as only to take place according to the wants of the service; from which great savings undoubtedly would have arisen, but they had never been adhered to. On the contrary, it appeared, that in every department, promotions had taken place to as great an extent as during the war; and now, seventeen years after that loan was raised, they had, within a few pounds, the same amount of dead weight as in 1822. The half-pay, civil and military, now amounted to 5,000,000*l.*—equal to the whole expense of the civil list, army, navy, ordnance, and every department of the State in 1792. This showed, clearly, that there must be something wrong in the system; and that unless some extensive and decided remedy were applied, the people never would get that relief which they had a right to expect. They had had peace, but with none of the blessings of peace, and with all the expenses of war. He, therefore, appealed to the House whether that was not a fitting opportunity for taking into consideration the whole question of the general expenditure of the country with a view to its reduction. He lamented that so little attention was paid to financial matters in that House. They were at present utterly ignorant of the fact whether they had a surplus or a deficiency of revenue. They did not know whether they had not a deficiency of from 2,000,000*l.* to 3,000,000*l.*, and how the debt of last year had been paid. The estimates for the navy and army this year was 600,000*l.* more than last year, which again was 600,000*l.* more than the year preceding; where, then, were they to stop? How could any relief from taxation be expected if this system were persisted in? In 1836 the expenditure was 48,787,000*l*,; in 1837 it was 50,819,000*l.*, and in 1838, 51,319,000*l.*, showing an increase of expenditure in three years of more than two millions and a half. The revenue of 1836 amounted to 50,498,000*l.*, in 1837 to 52,895,000*l.*, and in 1838 to 50,592,000*l.*, being only 97,000*l.* more than in 1836, while the expenditure was more than two and a half millions more than 1837-1838. From an official paper laid on the Table of the House, and made up to April, 1838, it appeared that the net revenue of the country was 46,096,000*l.*, while the expenditure was 47,596,000*l.*, showing an excess of expenditure over income of 1,500,000*l.*, leaving altogether out of view the expenses which had been occasioned in Canada. When the proper accounts were furnished, he had no doubt it would be seen that the excess of expenditure over income last year was upwards of 2,000,000*l.* sterling. Under these circumstances, he thought he was justified in calling upon the Chancellor of the Exchequer to give some account of the state of the revenue up to the present time, and of the mode in which he proposed to make up the deficiency. With an empty Treasury, and a deficiency of two or three millions, they should certainly have no more reckless expenditure; nor should they, like spendthrifts, be unwilling to look at the real state of their accounts. Government ought no longer to allow the public credit to remain in its present doubtful condition; they should be compelled to give the requisite explanations before a single shilling of the estimates was voted. If the deficiency could not be made up by revenue, the next question was whether the House was prepared to sanction a new loan, which must always impose additional taxes on the people? He thought, he had a peculiar claim upon the present Ministers to give the explanations he required, because, when he pointed out similar excesses under previous Governments, they had always joined him in his demand for further reductions. He complained, however, that when they themselves had the power they had not exercised it in making those reductions which the country had a right to expect. The expenditure had gone on increasing for the last three or four years, and yet there was an outcry in certain quarters for larger establishments. He should be glad to hear any reason why the naval and military establishments should be kept up to their present extent. In his opinion, a large portion of those establishments might be dispensed with, which were now merely kept up for useless parade and show; the army especially had one-third of officers more than any other army in the world. As the best way in which he could take the sense of the House upon this subject he should move to substitute the following resolution for the original motion:—

"That it appears, by an account laid on the Table of this House, that the net public income of the United Kingdom of Great Britain and Ireland, in the year ended the 5th day of April, 1838, was . . 46,090,544

And that the Expenditure in the same period was . .	47,519,076
Showing an Excess of Expenditure of	£1,428,532

over the income of the Country in the year up to that period:

"That the estimates of Army Services for the year 1838-39, were £6,062,216, and £6,199,810 for the year 1839-40, showing an increase of charge in this year of £137,600 more than in the past year;

"That the gross Estimate for Navy Services in the year 1838-9, was . .	4,960,911
Whilst the Estimates for the year 1829-40 are . .	4.459,374
Showing an excess of ;	£498,463

More in this year than in the past;

"That, with such an apparent increase of £636,063, in the Estimates of the Navy and Army alone, more in this year than in the past, and with so large an excess of expenditure in the year ended the 5th day of April, 1838, it is expedient, before the House vote any part of the Supplies for either of these departments, that an account of the state of the Revenue and Expenditure of the country, made up as near to this period as it can be, should be laid on the Table of this House, with an explanation of the manner in which the excess of charge is to be provided."

Sir *E. Codrington* was one of those who thought the present state of the navy insufficient to maintain the honour and interests of the country. He considered himself as competent a judge as any Lord of the Admiralty upon a question of this sort, and his opinion was, and he was sure if the officers now employed could be brought to give their evidence they would coincide with him in the opinion, that the ships sent to sea were not in a condition creditably to do what in cases of difficulty would be expected of them. When he talked of a man-of-war, he meant a ship fully competent to perform all the duties that might be required of her, whether in battle or otherwise; but the complement of ships in the present day was not sufficient to enable them to do their duty to the flag under which they fought. He was prepared with a resolution upon the subject, which he would move to-morrow.

Captain *Boldero* maintained that he had a better right to make the motion of which he had given notice than the hon. Member for Kilkenny, who had given no notice whatever. He was glad, however, that he had given way, for he had been highly amused with his speech. He admired the consistency of the hon. Member, who, the other evening, after speaking against a grant of 2,500,000*l.* for railroads in Ireland, when it came came to the division voted in favour of the proposition, and now came forward with a motion to reduce the naval and military establishments of the country, when it was notorious, looking to the state of the world—with a war in India and a war in Spain—they required to be kept up in a much more effective state. With respect to the motion of which he had given notice it would be recollected that he had moved for a copy of an order in Council the other night, the production of which it was said would be an infringement on the prerogative of the Crown. The Lords Commissioners of the Admiralty had issued to the Deputy-Adjutant-General an order, dated 12th July, 1837, which stated, that "no marine should be allowed a pension for length of service, except with reference to the length of his service at sea or abroad; that twenty-one years' service should be requisite to entitle him to a pension, that two years' service on shore should only reckon as one afloat, and that no marine should be entitled to a pension who had not in that time served ten years at sea or on foreign service." Was that order correct or was it not? [Mr. *C. Wood* "Yes"] Then here he took up his position to attack that order. Whoever penned it must have been ignorant of all the details of our sea-service. Such an order could not have emanated from the Lords of the Admiralty or from their Secretary; for those Gentlemen must of course be acquainted with all the details respecting the management of our navy. It must have originated with some of the clerks in the financial department: for no man, who knew any thing of the navy, would have ventured to subscribe his name to such a document. It was a moral impossibility to act upon such an order, either wholly or part. "No marine to be entitled to a pension unless he has served ten years at sea or on foreign service." Why, that would exclude from pension all persons connected with the staff of the marines—all the sergeant-majors, all the drill-majors, all the musicians—all the band. For instance, a sergeant-major might have served eight years afloat, and fourteen years at home, making altogether tw nty-two years of service; but as a sergeant-major was never ordered upon sea service, or upon foreign service, he never would have a chance of earning a pension. The same was the case with the drill-sergeants. Now none of those officers could order themselves to sea. Moreover the band never went to sea. The effect of this order, then, would be, that men would prefer going to sea, to taking the situations either of sergeant-majors or of drill-sergeants, both of which were very necessary and had important services to fulfil. Again the artificers would be placed in the same melancholy condition. They were better engaged on shore than at sea, and yet they could never have pensions; for this order was imperative that "no marine should be entitled to a pension unless he had served ten years at sea, or on foreign service." Even if they were to serve for forty-two years, this order would debar them from all right to a pension. But it was said that the Lords of the Admiralty could interfere and could grant them one. Allowing that to be the case, the pension would only be one of suffrance; and he wanted to have the marines entitled to it as a matter of right. He wished to know whether the Lords of the Admiralty called service in a guardship, service at sea? [Mr. *C. Wood*, "Yes,"] He was delighted that they did so; and yet, harbour duty was not sea duty. There were generally 2,200 men on board guard-ships and on ordinary so that this declaration might work some alleviation of this rigid order in their favour. He wished the House to consider how this order would work in detail. For many years past the navy estimates had exhibited the number of marines under two heads—the marines on shore and the marines afloat. For the last twenty years we had had upon the average 9,000 marines. They were generally half-and-half, that is, half on shore, and half afloat. This year, 5,500 were afloat, and only 3,500 ashore; that is, about two-thirds of them are afloat, and one-third on shore. He contended that, under this system of alternately serving on sea and shore, no marine would be entitled to claim a pension of even 10*d.* a-day until he had been at least thirty-five years in the service. Was that either just or politic to so distinguished and pre-eminent a service in as the marines? The garrison duty of marines was equally heavy with that of the soldiers of the line, and the former was equal to the latter in manœuvring and every other species of service on shore. He regretted, that the pensions of our soldiers had been cut down from 1*s*. to 6*d*. a-day; but they were entitled to that] pittance after a limited period of service. Why was not the marine, exposed as he was to peril and disease in every quarter of the globe, placed upon the same footing with the soldiers of the line? He called on the House to put the marine on an equality with the soldier or the sailor. He cared not with which, but, above all, not to allow him to remain, as he did at present, between both, without the advantages of either. There was one point connected with this order, to which he particularly wished to call the attention of the House, and of the Secretary of the Admiralty. This order had never appeared in the navy list. How was that? Was it because the Lords of the Admiralty were ashamed of it? He should be glad to hear that it was so; for they ought to be heartily ashamed of having issued an order which he could not help denouncing as a gross deception on the public. There was another grievance under which the marines laboured, and that was their great coats, or, he should rather say their want of great coats. In the army, the soldiers had new great coats every three years, and oftener if the severity of the service rendered it necessary, and that too, without paying for them by stoppages. At that rate a marine, who at sea required warmer clothing than a soldier on shore, ought to have at least ten great coats in thirty years' service. He had, however, no such thing. He received one great coat, and no more. Formerly, he had not even one great coat provided him. When he first joined, a great coat was handed to him; but for that great coat he was placed under stoppages. This made the men discontented, and led to many desertions. To put a stop to these desertions a great coat was given to the marines. But that was all, and he had no means of getting another when it was worn out. These were the two principal grievances of which the marines complained—the order in council and the great coats. There w re some other grievances which galled them, but they were only of a minor grade. He hoped, that the House had gone along with him in the observations he had made, and that it would be prepared to see full justice done to these gallant men, who had served in all parts of the globe with honour to themselves, and with advantage to their country.

Mr. *G. Berkeley* would not detain the House a moment, as there was only one point upon which the hon. and gallant Gentleman had evidently been misinformed. He had the honour of belonging to the line, and he felt himself called upon to state, that the hon. and gallant Officer was much misinformed when he stated, that in the hour of danger the line had ever allowed the marines to take the lead. That was entirely a mistake.

Captain *Pechell* felt, that he was obliged to agree in almost every word that had fallen from the hon. and gallant Member; but still he thought the gallant Officer would have been a better advocate had he dismissed from his mind all party feeling upon the question. Those on his side of the House were equally as anxious to serve the poor marine as those on the other side, and the hon. and gallant Member had got the start of them by his superior finesse. He trusted, that when the marines were on service in the guard-ships, that time so served would be allowed to count as sea-service.

Mr. *C. Wood* said, the only object of Ministers in making the regulation complained of was, that marines and seamen should be put as nearly on the same footing as possible. The order in Council had arisen from the evidence of the right hon. and gallant Member for Launceston (Sir H. Hardinge) before the commission on military rewards and punishments, to which the attention of the Admiralty had been called. It was as follows:—"I do think that prospectively we shall have very great danger to this country, resulting from the restriction that limits the British soldier, with a severer duty than the marine soldier, to 6*d*. a-day prospectively, while it continues to the marine a pension of 1*s*." On inquiry, the Admiralty had found not only that the marine had an advantage above the soldier, but that he had an advantage which it was not intended he should have above the seaman. This was not a pension in any case awarded to a person unable to continue in the service; it was given exclusively on the ground of length of service. No soldier had any right to his discharge from lengthened service alone; as a matter of favour, it was true, he was generally discharged after a certain period—twenty-five years in the case of the infantry, and twenty-seven or twenty-eight in that of the cavalry. Now, seamen and marines always had a right to their discharge at the expiration of a certain number of years, which was fixed at twenty-one, counting generally from the age of twenty. The seaman was discharged after twenty-one years service with a pension, but it was twenty-one years service at sea. Great part of the marine's service was in barracks on shore, much less hard than the seaman's on board ship, or the soldier's, especially in the colonies; and if the full time of his service on shore were allowed in reckoning his claim to a pension, he would have an advantage over the seaman. There is also this essential difference. The marine, whose service is continuous, is sure of his pension at the expiration of twenty-one years. The seaman cannot ensure continuous service. Intervals of considerable duration may occur between his being paid off in one ship, and being entered in another; and a longer time therefore generally elapses before he can claim his discharge. In making a new arrangement it had been the desire of the Admiralty to preserve equality between the seaman and the marine; and he thought that, by the order in Council, the men of these services were placed as nearly as possible on the same footing. The hon. and gallant Gentleman opposite had considerably overstated the length of service required for a pension. He believed, that, henceforward, the seaman and marine would acquire a right to a pension after about the same period of years.

Sir *H. Hardinge* said, that as he had been alluded to, he thought it due to the service to which he belonged to make a few observations. It was true, that he had stated, in his evidence before the commission to which the hon. Gentleman opposite had referred, that the soldiers of the line, who were exposed to so many hardships, and much ruin of constitution by service in unhealthy climates, would be extremely dissatisfied if they were only allowed a right to receive 6*d.* a-day after twenty-one years' service, unless in the case of an extremely good character; while marine soldiers had a right to 1s. a-day after twenty-one years' service, without reference to character or other contingent circumstances. He had said, that great discontent would be excited in the army, unless the arrangement giving so decided a preference to marines were altered. As the question of abolishing flogging was then under consideration, he felt, that they should look to rewards as well as punishment. He appealed to every man who knew what a navy or army was, whether this difference was not calculated to excite very great dissatisfaction. He had seen with great regret the reduction of the military pensions in 1833, and had strongly advised the Secretary-at-War against it. The revised warrant of 1833 reduced the pensions of private soldiers from 1*s.* to 6*d.* a-day after twenty-one years' service. He had a strong opinion against the measure at the time, in consequence of the dissatisfaction it would excite in the army, and he had determined to bring the question before the House in 1833, in order that he might do justice to the claims of soldiers, but had desisted from that purpose in consequence of a conversation he had had with the right hon. Gentleman near him, then First Lord of the Admiralty, who had represented the inconvenience which would be produced by such observations coming from a general officer. In 1831 and 1833 he had combatted the principle of the commutation of soldiers' pensions, telling the Secretary-at-War he was about to do that which would ruin a great number of old soldiers. He was called upon now to state his opinion on the subject of the warrant alluded to by the hon. and gallant Member. He understood the pension was still to remain at 1*s.* a-day, but the period of service had been so much lengthened as would prevent, in many instances, the attainment of the pension. He considered the marine soldier as one of the most valuable supports of the discipline of the ship, distinguished as that corps had always been for good conduct and subordination. In 1798 the army had only 6*d.* a-day, and shortly after the mutiny at the Nore it was increased to 1*s.* The warrant of 1806 gave great advantage to the army as regarded pensions, and the marines were then placed on the same footing as soldiers of the line. Up to 1815 the seamen had been very disadvantageously situated in this respect, but shortly after the peace a new scale of pensions for the sea service was adopted. By the present order of the Council a very imprudent step had been taken; the discipline of the fleet would be relaxed if the marines and seamen were placed on a different footing. By the warrant of 1833 great injury had been done to the army, and he felt, that the present order was unjust to the marines. He thought it would not answer to have different warrants for soldiers of the army, sailors, and marines. Every measure of preceding Governments had had for its object to assimilate the various services.

Viscount *Howick* said, that the statement of the right hon. and gallant Officer was so completely and utterly erroneous, that it was calculated to do, and if it went forth to the country uncontradicted, it must do, great and irreparable injury to the public service. He greatly regretted, that the subject of pensions had been brought forward at all on the present occasion, when he did not expect that it would be gone into, and when he had not, therefore, come down supplied with the documents with which it was his duty to be supplied for the information of the House on such a subject, and which, had he anticipated the discussion, he should have felt it was most desirable to have with him, in order to make his reply to the remarks and assertions of the hon. and gallant Officer as full and satisfactory as possible. However, he felt very confident that the statement which he should have the honour to make would be substantially correct, and that statement he thought it very necessary that he should make, in consequence of the statement of the right hon. and gallant Gentleman, and in order to explain to the House the real circumstances of the change which had taken place with respect to the pension warrants in the British army. He believed the right hon. Gentleman would bear him out in stating, that in 1829, when the right hon. Gentleman came into the office of Secretary at War, the right hon. Gentleman found that the pension list of the army was yearly increasing; that the non-effective army was rapidly approaching to an equality in point of numbers with the effective army; and that the military budget was adding seriously to the burdens borne by the finances of the country. This the right hon. and gallant Officer saw, and, much to his credit, took effectual steps to check. Previously to the appointment of the right hon. and gallant Officer as Secretary at War, it had been the practice in the army at once to dismiss the men from the service with pensions, as a matter of course, the moment they completed their twenty-one years of service. The consequence was, that in middle life (or nearly so in most cases), in full health and strength, the soldier was discharged on a pension nearly equal to the amount which he had received as pay on service, and thus he might continue, and did in numerous cases actually continue, for thirty years a burden on the country; that was to say, if the pay on service was 1*s.* a-day, on the man's discharge the country was saddled with a pension of 1*s.*, or nearly so, per day for thirty years longer. The right hon. and gallant Officer had most properly refused to continue this system, and it was consequently settled, that no man should be entitled to his discharge until the proper medical officer certified that he was unfit for service. It was true the practice before the right hon. and gallant Gentleman's alteration was, that there should be an inspection previous to discharge; but, in fact, and in reality, at the end of twenty-one years the men got their discharge, in full health and strength, and left the army. The right hon. and gallant Gentleman, as he had just stated, effected this reform, and required a medical certificate before discharge. But it was found in practice, that, notwithstanding this precaution, great abuses and great evils continued to prevail in the manner in which the men got their discharge. Men came up before the commissioners at Chelsea college for examination for discharge whose health was entirely destroyed by their own misconduct, particularly by the habit of intoxication, which was so unfortunately prevalent in the army. The consequence was, that men of dissolute habits, men who even were certificated as notorious drunkards, were discharged on pensions, and thus the bad soldier had an advantage over the soldier of regular habits, from the facility with which the former obtained his discharge and pension. The first got his pension early in life; the latter was kept on service for long periods, engaged perhaps, all the time, in arduous duties. His noble Friend near him, when Paymaster of the Forces, and in that capacity President of the Chelsea Commissioners, had had his attention forcibly called to this part of the subject; but the fact was, that to men of the worst possible character, even where they were described, in so many words, as notorious drunkards, the Chelsea Commissioners possessed no power to refuse that pension which they were unable to grant to the best soldiers. His noble Friend had very early seen the inconvenience to the service of this state of things, and had endeavoured to find means of cure. But it was curious to see, after the system of medical certificates introduced by the right hon. and gallant Officer opposite came into operation, how many soldiers just after turning their twenty-one years of service got discharged for chronic rheumatism. It was certainly most curious that the moment after turning twenty-one years chronic rheumatism should begin to prevail, and it became impossible to keep the men in the ranks. It was evident, therefore, from this, that attempts were continually making under the hon. and gallant Officer's system to get out of the army, and that his regulations did not, therefore, meet the evil complained of. It was felt, therefore, by his right hon. Friend, the present President of the Board of Control, when Secretary at War, that it was imperatively necessary to alter the system of the army pension list. That alteration had accordingly been made, and its principle was, that when the soldier at an early period of life was discharged, from mere disability to perform a soldier's duties, a less pension should be assigned him; but that the soldier who by regularity and good conduct had taken care of his health should, on his discharge, be entitled to a larger pension; and that the man who retired totally disabled from earning his livelihood should be entitled to a still larger pension. And now let the House remark the futility of the charges made by the right hon. and gallant Officer. Why even by the pension warrant passed under the administration of his right hon. Friend, the President of the Board of Control, the pension was 6*d.* a-day, when it was disability only which incapacitated the soldier from remaining in the service. If the disability was greater, the pension was raised to 9*d.* a-day, and might be still further raised, provided it did not exceed a *maximum* fixed. Therefore, it was not true that only 6*d.* a-day was allowed in pensions, as the right hon. and gallant Officer stated. He would not trouble the House much longer on this topic, but before he left the history of the warrant of 1833, he begged to revert to one observation of the right hon. and gallant Officer. He had said, that previous Governments to that of which he (Viscount Howick) was a member, had thought it necessary to carry all the departments of the Administration with them, when they made alterations of this kind. Now, the same course was followed by his right hon. Friend, the President of the Board of Control, when Secretary at War. The warrant of 1833 was framed with the greatest attention and care, and with the assistance of his noble Friend near him. It was then submitted to the Commander-in-Chief; and he could state, that it received the full, entire, and unreserved approbation of the Commander-in-Chief. But more than that: this had been thought to be a change of too great importance to take place without the sanction of the Cabinet. The plan was accordingly brought before the Cabinet of which the right hon. Baronet (Sir James Graham), then First Lord of the Admiralty, was a member; and by that Cabinet the warrant of 1833 was approved. Such was the mode in which that warrant was framed and adopted; but approving it as far as it went, still, at the same time, he must say, that he did think that in that warrant there was a want of some means of rewarding peculiarly good conduct in the soldier. He thought the rate of pensions established by it for ordinary disability was fair to the soldier and just to the people, who had to pay the pensions, but he decidedly thought, that further provision was necessary for remunerating the good conduct of the soldier. Accordingly, he (Viscount Howick) had the honour of submitting a warrant for this object to his late Majesty, which had been approved, in like manner as the others, by the Commander-in-Chief, and by other departments of the Administration to whom he had submitted it. This authorised the issue of good-conduct pay, and, under certain regulations, allowed extra pay to be given for good conduct, as in addition to the pension upon discharge. Now though, as he had said, he had not come down prepared with the documents necessary for going fully into this subject, which was quite unexpected by him, yet he happened to have with him a comparative scale of the pensions under the system of the right hon. and gallant Officer and the existing system; and from this he found, that instead of the soldier being now in a worse situation than he was before, in reality, the good soldier, at some periods of service, was in an equally good, and, in only some few periods of service, in a worse, situation, and that only by a mere fraction, than he was under the system of the hon. and gallant Officer. At fourteen years' service, the warrant was the same in both cases. But the warrant of the hon. and gallant Officer, at nineteen years' service, was for from 6*d.* to 9*d.* a-day; it was at present for from 8*d.* to 10*d.* a-day. It was true there was a slight diminution in the pension at twenty-one years' service; for the hon.

and gallant Officer gave 1*s.* a-day pension for that period of service, while now the sum was 11*d.* [Sir *H. Hardinge:* That is, under peculiar circumstances.] He would come to the peculiar circumstances by-and-by. After twenty-three years' service, the change was in favour of the soldier under the present warrant; and from that period the pension varied with circumstances, till they got to periods of long service. But the hon. and gallant Officer said, that it was only under peculiar circumstances, that the good soldier got his pension of 11*d.* a-day. He thought that a great advantage in the existing plan. Under the right hon. and gallant Officer's plan, the soldier had his pension awarded without the slightest regard to character; even if he were reported as having been punished for drunkenness, or one or two other crimes—nay, even if he had barely escaped being discharged with infamy, he was entitled to the full pension which was given to the best conducted soldier; and it constantly happened, that men came up to Chelsea with the character of notorious drunkard, in terms, registered against them, and received just the same pension that could be given to the most exemplary, well-conducted, sober, soldier. He was not ashamed of the present system. He said, that every soldier who avoided misconducting himself had a right to a pension at the expiration of a certain period of service; and unless he came to have some specific offence recorded against him, he ought not to lose the right to that pension. This was the present system; and if once the soldier gained his good-conduct pay, he could lose it only by sentence of court-martial: and in a short period, that was to say, in the space of a year, if he manifested good conduct, he could recover that pay again. He was happy to say, that, considering the short time that the plan had been in operation, and that there was little inducement to avail themselves of it, to the soldiers who enlisted before 1833, a very large proportion of soldiers had become entitled to good-conduct pay. He entreated the House and the country not to believe, that the pensions of the soldiers were undergoing a cruel and unnecessary reduction. It was, however, satisfactory to find, that the vote for pensions this year was only something more than 1,300,000*l.*, being upwards of 2,000*l.* less than last year. He would only add, that, under this system, the service, he believed, was as popular as ever it had been. He believed, that the number of recruits who had joined within the last few months was almost unexampled in time of peace. Hon. Members would, therefore, be careful, he hoped, not to create, by their remarks in that House, dissatisfaction, where at present it did not exist. In fine, he begged to assure the House, that while on the one hand he should ever be ready to do his duty in considering modes of providing for the poor and meritorious soldier, so, on the other hand, he and the House had also duties (let it be remembered) to perform to the people, by whom this heavy tax was paid, and those duties, he, for one, was resolved not to neglect.

Mr. *F. H. F. Berkeley* was desirous of offering a few observations on the subject of the navy, in support of the sentiments which had been expressed by the gallant Admiral (Sir E. Codrington), and also with reference to a proceeding adopted by his brother, who was lately connected with the Admiralty; but he felt considerable embarrassment as it was the first time that he had risen to address the House. It was the opinion of his gallant relative—an opinion which had been formed after consultation with many experienced officers of the navy—that the manning of the navy was conducted on false principles. In the most glorious times of our naval warfare it had been a complaint, that the manning of the navy was ineffectively managed. It was found in the despatches of Nelson; and turning over the page of history and biography the same thing would be found a constant theme of complaint. From the battle of the Nile to the battle of Navarino, he thought he might venture to assert, without contradiction, that complaints existed touching the deficiency of the complements of the crews of British ships of war. It would be no argument to say, that the successes which attended the British navy in the glorious day of their triumphs could in any way excuse carelessness on this subject: far from it. As well might it be attempted to apologise for the inhumanity of the master of an excellent horse, who overstrained the animal in attempting some preternatural feat. The success of the horse would be no apology for the brutality of the master who over-taxed its power. So with regard to sailors. The victories which had shed such lustre on the British flag were frequently obtained by vessels that were under-manned; and many of the most brilliant actions previous to the American war afforded instances of inferior overcoming superior force. Before that time there was carelessness on the part of the Admiralty, but when the combined powers of France and Spain had ceased to offer any opposition—when Spain had not a vessel left, and the cruisers of France were sent forth mere fugitives, scarcely capable of resistance, in a demoralised and almost denationalised condition—then the carelessness of the Admiralty became absolute apathy. They forgot, that a young and vigorous republic was rising, which had a navy young, powerful, and vigorous, like itself. The ignorance of the Admiralty at that time was notorious. What greater proof of it could there be than what was furnished in the American war, by their sending cast-iron water tanks to be used by ships sailing on fresh water lakes? The best apology for them was their ignorance. If they knew the force that existed on the other side of the Atlantic, and the disadvantages that our sailors had to encounter, we must accuse them of culpability. The loss of numerous frigates and sloops of war had struck a blow at the spirit of our sailors which they had scarcely recovered at that moment. The loss of the Macedonian, Guerriere, and Java frigates—the Frolic, Reindeer, Epervier, and Penguin sloops of war, and other British ships, which had met vessels of a superior construction, and manned in a superior manner, attested the fault which existed at home. Against these losses they had only to show such victories as those of the Shannon over the Chesapeake, or of the Pelican over the Argus—victories which, by the effect they produced, showed rather the decay than the strength of our naval power. Nothing showed the effect produced in this country so completely as the fact, that when the Duke of Wellington returned to this country after winning so many battles, a tissue of successes unparalleled in the annals of warfare, the noble Duke landed nearly simultaneously with Captain Sir Philip Broke, and when they appeared in public together, the winner of a single frigate action received as much honour as the victor of a hundred fights. Nothing showed so clearly the humiliating state to which the British flag was reduced. Did not such a state of things call for the attention of all seamen, and in particular of seamen having seats at the Board of Admiralty, and require that they should be watchful? Viewing the rising power of France which was placing its navy on a footing such as, by the admission of naval officers, had never existed before—looking at the great progress which America had made, and looking at the vast power which Russia possessed in the Baltic, and then turning to the state of the British navy, he would undertake to say (and in doing so he spoke the opinion of some of the most distinguished officers) that the navy was in a most disgraceful condition. The peace complements of her Majesty's navy had the direct effect of decreasing the number of the best kind of sailors. Captain Berkeley had received, upon the subject of his pamphlet, letters from individuals holding high positions in the service, from which he (Mr. F. H. Berkeley) would be glad to read a few extracts. With respect to these, he was placed in a peculiar position and must throw himself on the indulgence of the House—which he was sure would be granted, when he stated that it was impossible, under present circumstances, to produce the names of the gallant officers from whom those letters had come. It was quite sufficient for his brother to have raised a nest of hornets against himself by his impeachment of the conduct of the Admiralty, without subjecting any of his brother officers to their stings. He hoped the House would permit him to read extracts from the letters of five most distinguished officers. He would give a list of their names to the hon. and gallant Admiral on his left hand (Sir E. Codrington) who would understand the value of their testimony. [The hon. Member handed a paper to Sir *E. Codrington.*] It was impossible to take any other course. The first letter which he could only describe as from No. 1 ran thus:—

"Many thanks for the perusal of the accompanying papers. I quite agree as to the necessity of carrying it into effect; and if (this was not addressed to Captain Berkeley) Captain Berkeley succeeds in doing so, he will deserve the thanks of the profession. Every hint contained in his papers has struck practical men as being absolutely necessary for some years; and if the naval service of England is to be held up to foreign nations on the footing it was formerly, something effectual must be done and that quickly. It is quite disgraceful to see ships half manned, and that badly, in the company of ships of other nations with full complements and no expense spared to bring into practice all the new improvements; besides the disgust men have in serving in ships heavily masted and with small complements of men, so that the hands are turned up on all occasions, where, with an efficient complement, the watch would be sufficient. Almost every ship that I have seen arrive from England lately, is manned with a very inferior description of men. The most of them would not have been received into the navy at the end of the war."

The next was from an equally distinguished officer, respecting whom he might also appeal to the gallant Admiral below him; he would describe this letter merely as from No. 2. He said—"I really consider your hints a valuable production, having always advocated a similar measure, and without which we may look in vain for men when we most want them." The third was no less distinguished. He said, "that the ships are most inadequately manned is a truth beyond contradiction." The fourth said, "I am quite of your opinion as to our establishment, and I am very sure there is a great mistake in our peace complements." He now came to the last of the communications, and he thought its peculiarly strong yet homely expressions ought to carry great weight with the House. This gallant Officer said, "I entirely go along with you—and your having so freely promulgated your opinion to your associates in office, is like yourself. It leaves you at full liberty to join in the almost universal cry in regard to the ruinous system of our peace establishments. I found here a squadron of another nation, and we furled sails together. They gave us such a dusting from numerical hands, that I made an excuse to unbend my sails, and put them below till our friends took their departure." He would ask, was it right that this gallant Officer, than whom there was no better in the navy, and these gallant men, should be exposed in this manner? He now came to the matter of his brother's resignation of his seat at the Admiralty. A noble Lord, formerly at the head of the Admiralty, had stated in another place, that although he agreed, with some trifling difference, with all contained in the published letter, yet he condemned the practice of Members or Secretaries of a public Board appealing to the public, instead of making their opinion known to their seniors, or carrying them forward at the Board. Now, from that opinion on the part of his brother, he (Mr. F. H. Berkeley) was not prepared to dissent. But he would say, that his brother, Captain Berkeley, had brought forward his opinions at the Board. He had laid his opinions before his colleagues in office in the fullest manner, and he (Mr. F. H. Berkeley) would say likewise, that he understood that the complements of the ships were to have been increased according to the way, with some exceptions, which Captain Berkeley had pointed out, and in which his colleagues agreed. While this was in doubt, while discussions were going forward, and while Captain Berkeley was using every exertion in his power (for he found the task by no means an easy one), he met with an unexpected obstacle. At that time, he might truly have exclaimed with Hercules, *Ego sum indefessus agendo*, but, unfortunately, he might also have added *sed nova pestis adest;* for he could hardly say any thing else of the letter which appeared as a supplement to the "Life of Lord Anson," and which was calculated to disturb and oppose the measures under the consideration of the Board—measures which it was understood had since been adopted. But when Captain Berkeley saw that the Secretary, who had been privy to all the deliberations which had taken place, had come forward with his own opinions, he thought that he (Captain Berkeley) might fairly put forth his own advocacy of the measures which were about to be adopted by the Board, and express, on behalf of the Admiralty, his dissent from the Secretary. But this effort met with disapprobation on the part of certain Lords of the Board, and finding that it was received with displeasure by the First Lord of the Admiralty, Captain Berkeley resigned his place. Before sitting down, he (Mr. F. H. Berkeley) would make one remark. The present estimates, he was given to understand, would prove, that the views of Captain Berkeley were nearly or to the full adopted. He would ask, then, whether the adoption of these views had taken place before or after the publication of Captain Berkeley's pamphlet? If it was before, then the complaint that he had published a pamphlet at variance with the opinion of the Board, fell to the ground. But if it was subsequent to the publication, then he (Mr. F. H. Berkeley) was sure that he might express the gallant Officer's great satisfaction at seeing that so important a benefit to the service had been purchased at so small a price as the sacrifice of his place.

Sir *E. T. Troubridge* said, as he had been connected with the department of the marines, and had had it under his charge, he wished to say a few words with respect to the pensions of the marines. The gallant Member (Sir H. Hardinge) was the first person from whom he had heard any complaints. He did not know, that such complaints ever were made, or ever existed. The marines were sent to sea by rotation, so that every man had his turn. He humbly conceived, that no man would say, that unfit persons ought to have these pensions. These pensions were not the only ones to which the marines were entitled. Every man, if he was ill, had a pension, according to the severity of his hurt or his sickness, and the length of time that he had been in the service. Whilst sitting at the board he had often seen very young men, in the full vigour of life, come in for a very large pension, and therefore he had been of opinion, that increasing the number of years' service to entitle the men to pensions was very desirable. He agreed with everything that had fallen from the hon. and gallant Member as to the merits of the marines, and no man could say, that the present Members of the Board of Admiralty had ever doubted or denied that fact. The hon. Member would scarcely have touched on the subject, if he had first heard the statement which the Secretary of the Admiralty was about to make. With regard to the resignation of Captain Berkeley, there were never'a people who worked so well together as himself and the other Members of the Board. He believed, that when the facts were fairly known to the public, his Friend Captain Berkeley would deeply regret, that he had left them at all. He, for one, did not agree to having large war complements in time of peace. He had alwyas said so; he had never departed an hour from that opinion. He did agree, that there should be some increase of complements. These complements had been increased, and whether they would be satisfactory to captains or first lieutenants of the navy, he did not know, for he never saw a captain or first lieutenant of the navy that was satisfied. But this he would say, when the country saw the number of ships now put in commission, and of men employed, it would be satisfied. He, therefore, deeply regretted that this statement had been made before his Friend rose, because the hon. and gallant Member would have been convinced on many points that his observations were uncalled for. He must dissent from his gallant Friend on some points. He said, that the complement was dissatisfactory for every vessel. He would tell him that the complement had been revised by a Committee in 1828, and a Committee had again adopted it in 1837. The peace complements had not been altered, for this reason—it was perfectly well known for many years that a system of change of armament in her Majesty's ships was going on, and it was impossible that this could be completed without various experiments, and those experiments had been made under an experienced officer, and were completed last year only; that had enabled the Admiralty to make a change in the armament of the ships; and the proper time to consider the complement was at the time that armament was completed. That had been done. The scale of it was likely to be laid before the House in half an hour, and it was much better to wait till the explanation was laid before the House. It was notorious, that there were some ships not of a large class. But he had thought it right to state this. He did beg the House to believe, that there was none of that ill will to Captain Berkeley which his hon. Friend wished to impress the House with. Since his resignation he had seen Captain Berkeley, and he believed it would be perfectly in order to say, that Capt. Berkeley was convinced, that he had not acted as he would have done, if he had given the matter a little more consideration. He maintained it, that he had a right to state this, because he heard Captain Berkeley say it himself. What he said was, that he ought to have resigned first, and then have written his pamphlet.

Sir *G. Clerk* entirely agreed with the gallant Member, that they should wait to hear the account of the complements and armaments of the ships. But he must call the attention of the House back to the statement of Captain Boldero, and to the explanation attempted by the gallant Secretary of the Admiralty, or the Lord of the Admiralty, who had last addressed the House. If he understood the Secretary of the Admiralty right, he grounded that alteration entirely on certain evidence given by his hon. Friend, the Member for Launceston (Sir H. Hardinge).

that evidence was expressed with respect to the warrant of 1833, of which he disapproved. But he thought, from what had fallen from the noble Lord, the Secretary of State, that a very great and important modification had been made in that warrant; and that the soldier was now placed on a much better footing than when his gallant Friend first gave that evidence. For, if he understood aright, if a soldier should not disqualify himself by misconduct, he was entitled, after twenty-one years' service, to 10*d.* or 11*d.* a-day; that was now the rule. But a marine, since 1814, had had a right to demand his discharge after twenty-one years' service; and he looked at this as a much greater act than the pecuniary amount of pension. Looking at the advantage there was for them to continue in the service, and looking at the practice of impressment, which he should extremely regret to see resorted to, he should extremely regret to see any alteration made in the pension; and when they considered that a marine was likely to lose all the advantage he had gained by long service, if he absented himself for three weeks, which was the greatest possible security for his good conduct, he held it unwise that any difference whatever should be made between our marines and seamen. It appeared, that in 1837, an Order in Council was issued, and regulations of the Admiralty founded on it, to the effect that a marine should have served ten years afloat, and that two years on shore should count only as one afloat. This regulation, according to general practice, should have been published in the Quarterly Navy List, but he had searched for it there in vain. No notice whatever seemed to have been taken of it. It appeared, that the service on board a guard ship was counted as equal to one at sea, and that a year of either counted as two on shore. This was unfair to the men who were retained to do duty on shore. What difference, he would ask, was there between the duties of a marine in a guard ship and one in barracks, where he would have one night of duty for every two of sleep! Such a difference in the mode of estimating the two services was injudicious, and calculated to excite discontent amongst the men. The Order in Council, to which he had referred, was full of anomalies, and, in his opinion, had been so ill-considered, that he hoped the Admiralty would lose no time in reconsidering it, with the view to its being rescinded, and that in future the services of the marine on shore should be estimated the same as those at sea. He thought it hard and ungenerous, that that service to which his late Majesty had been so warmly attached, should almost, from the date of her Majesty's reign, have been made subject to so harsh a regulation.

Admiral *Codrington* bore testimony to the high respectability and great professional ability of the gallant officers to whom the hon. Member for Bristol had referred.

Captain *C. F. Berkeley* said, that it was not his intention to delay the House by entering into the general question then before it; but he could not allow the discussion to close without saying a word as to one observation which fell from the hon. and gallant Officer (Captain Troubridge.) That hon. and gallant Officer had said, that his (Captain Berkeley's) hon. relative had told him that he was sorry for having published the late work. In this he was sure the hon. and gallant Officer was altogether mistaken. His hon. and gallant relative could not have told him any such thing, for the fact was, that he was not sorry for it. His gallant relative had had no idea that in writing that book he was writing against the Admiralty. He had intended it only as an answer to some of the statements contained in the supplement to *Sir John Barrow's Life of Anson.* When, however, he found that the fact of his having published the work did not give satisfaction to the Board of Admiralty, he adopted the only course which was left open to him as a man of honour and independence—that of resigning his seat at the Board.

Mr. *Horsman* said, there was one subject which he hoped would receive the serious consideration of the Admiralty—he meant the question of impressment. That mode of recruiting the navy was one which he thought few, if any, would be found to defend in the present day. He wished to know whether it was the intention of the Admiralty to bring forward any measure on that subject? If they did not, he would take an opportunity of bringing the question under the consideration of the House.

Mr. *T. Attwood* said, that before the subject was disposed of, he wished to put a question to the Government, or to the hon. Member, the Secretary to the Admiralty. This question related to the present position and naval power of Russia. Whatever might be said of the pacific intentions of that power towards us, he had little doubt that she was at the bottom of the recent movements in the east, in Africa, and in America. She had now, as was well known, a large and well appointed fleet in the Baltic. What he wanted to know from the hon. Secretary of the Admiralty was, whether, if the ice should break up in that sea, and that Russia should take it into her head to sail towards our coasts, which she could do in ten days, was the Government prepared with a fleet competent to resist her and defend our coasts from her attacks? He might be told in that or in the other House of Parliament, that Russia was our friend and ally. He cared not whether she was friend or enemy, but as long as she had a fleet within a few days' sail of our coasts which we had not a naval force at hand sufficiently to repel, she to that extent might be said to have dominion over us, and nothing at present but the ice of the Baltic stood between us and an attack from her if she should be disposed to make one. It was possible, that the Government might be able to get over the ensuing summer and autumn without any such attack, but we had no permanent security against the risk unless we had a fleet able to meet that of Russia. Let it be recollected, that the navy of Russia was not now what it had been forty or even twenty years ago. Her ships were now well built and tolerably well manned, while many of our large ships were deficient in their complement of men and guns. No doubt our seamen, if brought into action against any force, would do their duty bravely; but the country did not wish to see a sacrifice of human life by placing one British ship of the line badly manned against two Russian ships of the line well manned. No friend of his country could desire to see ten or twelve sail of the line, badly manned, placed in opposition to twenty-seven, well manned, sail of the Russian line. He hoped the hon. Member (Mr. C. Wood) would give an answer which would be satisfactory to the House and the country.

Mr. *C. Wood* hoped the hon. Member for Birmingham would not consider that he meant any disrespect to him, if he declined, at that moment, going into the question on which he had sought information, and the less so, as he would have to advert to it in the statement which he should feel it his duty to make on going into the Committee. Had he been allowed to go into the Committee earlier, he should have had the opportunity of entering into explanations on many of the topics already brought forward, and much time would thereby have been saved.

Mr. *Brotherton* trusted, that Government would not be led away from its course by the suggestions thrown out for the increase of our naval armaments, as if we were now called upon to make preparation for war. If the Crown should declare war, who were to pay for it? Why, a great portion of the expense would come out of the pockets of the manufacturers and labourers of the country. He repeated his hope, that the Government would not be led away by such statements as they had heard, so as to make any unnecessary addition to the armaments of the country.

Mr. *Hume* would not press the amendment to a division.

Amendment negatived.

The House went into Committee.

NAVY ESTIMATES.] Mr. *Charles Wood.*[*]—In former Sessions, Sir, when I have had the honour of moving in Committees of Supply, the estimates for the naval service of the country, I have always abstained from saying more than seemed to me to be necessary for explaining any differences which might have been made since the estimates of the preceding year. I have done so, not from any unwillingness to afford the fullest information on every subject connected with the department to which I belong, but because I have been unwilling to trespass unnecessarily upon the attention of hon. Gentlemen, and because I have always believed that, in saving the time, I was best consulting the wishes of the House. On the present occasion, however, I feel it to be necessary for me to pursue a different course. I need not remind hon. Gentlemen, that for the last six months, unceasing attacks have been made upon the naval administration, and statements in every shape which could teem from the press, have been put forth describing our navy as in a state of the utmost decrepitude. It is not to be supposed that we, whose characters were so much affected by them, could be indifferent to these proceedings, or that we did not suffer from the circulation of these statements which we had no opportunity of contradicting; because I have always been of opinion, that in this House, and in this House alone, is it right for those who are connected with public departments to defend their conduct. We knew that the opportunity of doing so, must sooner or later be afforded us; and deeply as I feel at this moment, my incompetency to the duty which I have to perform, I have looked forward with no small impatience and anxiety to this moment, when I might endeavour to vindicate our character, and to remove from the mind of the public, those apprehensions to which the Member for East Kent referred the other day, and which have been not unnaturally entertained by a people jealous, and rightly jealous, of any thing that can affect their maritime power.

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[*] From a corrected report, published by Ridgeway.

I am afraid, Sir, that I must draw somewhat largely upon your patience and upon that of hon. Gentlemen around me, but in the situation in which we have been placed, I must throw myself upon the justice of the Committee: and this consolation at least I have, that the statements and arguments which form our vindication, are the self same which will tend to the far more important object, of dissipating any alarm as to the efficiency our navy.

The charges under which we, for the last six months, have suffered, are certainly not those which have been brought forward by the hon. Member for Kilkenny this evening: we have been charged with gross neglect of the navy, with having been afraid to come to this House for the sums necessary for its efficient maintenance; with what some of the Tory papers designated as "the shameful reductions made in our navy by the present Government." My answer to this charge is simple, and short. We have made no reductions. On the contrary, in every head of expenditure, tending to the efficiency of the navy, we have made a large increase. We have been accused of reducing the strength of our navy. In the estimates for 1835, the last before we came into office, there were voted 17,500 men and boys; in 1836, in the first estimates which I had the honour of moving, there were voted 22,500 men and boys, exclusive of the ordinary. On the 1st of January, 1835, there were eleven ships of the line in commission; on the 1st of January, 1837, there were twenty. We have been accused of reducing the work in our dockyards: the vote for wages in 1835 was 300,000*l.* in 1838 it was 384,000*l.*

We have been charged with creating discontent in the dockyards by our reductions. The yearly earnings of a shipwright in 1335 were 52*l.* in 1838 they were 62*l.* 8*s.* Lastly, we have been accused of having reduced the provision for stores. The sum taken for this purpose in 1835, was 383,000*l.*; in 1838, it was 593,000*l.* And these are the measures which have been called reductions!

It is true that reductions have been made: but they were made by others. The number of men was reduced, but it was by the Government of the right hon. Member for Tamworth in 1835. We have been blamed for the reduction of the Marine Artillery; that corps was reduced in 1832. It is true, that the amount of work in our dockyards has been reduced; but it was reduced first by the government of the Duke of Wellington, and next by the right hon. Member for Pembroke. It is true, that the votes for stores have been reduced; but it was first by the right hon. Member for Pembroke, and still further by the government of the right hon. Member for Tamworth.

I will not stop now to give an opinion upon these reductions. All that I have at present to say, is, that they were not made by us. For many of those made by the right hon. Member for Pembroke, he received great credit at the time, and most justly. The violence of party has now involved them all in one undiscriminating censure, and with signal injustice, has laid that censure upon us. We have increased and not reduced the navy. We have increased the number of men, nearly thirty per cent. We have nearly doubled the number of ships of the line in commission. We have increased the work in the dockyards about thirty per cent.; and the provisions for stores between fifty and sixty per cent. Blame us, then, if you will; say, if you please, with the hon. Member for Kilkenny, that the increase we have made, is too great, or say that it is too small; but do not commit what is in you an absurdity, and towards us an injustice, of designating as a reduction, what is in fact, so considerable an increase. For what we have done ourselves, I am ready to answer—ready to submit to that censure, which from some quarter or another, is sure to be inflicted, whatever we may do; but, as it would be unworthy in us to seek credit, so it is unjust that we should incur censure, for the acts of others. The documents, Sir, to which I have referred, in proof of my assertions, are public documents. I have had recourse to no source of information not open to the public, and which has not been in the hands of everybody who hears me. I have referred only to the several Parliamentary estimates, which were, or ought to have been, in the hands of those who made the charges against us, at the time when they made them. I complain of no censure or blame for what we have done, but I do complain, not only on our own part, but still more on the part of the country, which has been misled and deceived; that those who profess to instruct and guide the public mind, have, in their eagerness to injure those to whom they are politically opposed, laid out of sight altogether, both dates and facts; and that the statements which have been made, are as wide as is possible from the truth.

So far, then, Sir, as the general charge against the present Government goes, of having reduced the navy, I have given a short, and I trust, a satisfactory answer, resting on documents beyond the possibility of contradiction. In no one respect have we reduced anything that contributes to the efficiency of the navy.

I am, however, fully aware, that not only for our vindication, but still more for the purpose of putting the Committee and the country in full possession of the state of our navy and naval establishments, it is necessary for me to go into the subject in much greater detail; and I think, it will be for the convenience of hon. Gentlemen, that I should do so under the different heads of expenditure, as they stand in the estimates.

First, then, with regard to the strength of the navy.

It will be in the recollection of hon. Gentlemen, that late in the last Session of Parliament, the Duke of Wellington called the attention of the House of Lords to the reduced state of the navy. He said, that he considered our naval establishments "to be in too weak a condition to answer the purpose for which they were intended." "The circumstance of which I complain," said the noble Duke,* "I do not at all attribute to neglect upon the part of the Admiralty, neither do I include, in my censure, the noble Earl who is at the head of the Admiralty; but those whom I do blame, are the individuals who have thought proper to reduce the establishments of the country to such a degree that protection cannot possibly be given in all places where it is required."

The noble Duke, with that fairness which always distinguishes him, did justice to the present Board of Admiralty. He did not impute blame to us. Not so those partisans of hon. Gentlemen opposite, who, in after-dinner speeches, pamphlets, letters, and newspaper articles, throughout the autumn, imputed to us, that we had reduced the navy; and, on the supposition that we had done so, held up our conduct to the censure of the country, as contrasted with that of the Tories. Let us see, Sir, how the facts stand. The strength of the navy mainly depends on the number of men voted. From the year 1818 to 1824, the number of men voted averaged about 15,000. In 1824 they were increased, and to 1831, averaged, including the coast blockade, from 20,000 to 21,000 men. The right hon. Member for Pembroke put down the coast blockade. But the highest vote for seamen, since the peace, except our own, was not under a Tory, but under the Whig Government of Lord Grey, namely, that taken in 1831, by the right hon. Member for Pembroke. He subsequently reduced the number to about what they had stood at, since 1834, exclusive of the coast blockade, namely, 18,000, and so they stood till the year 1834.

In 1834, for a most useful purpose, that of introducing a greater number of boys into the navy, he reduced 500 men, and added 1,000 boys, which, upon the usual calculation of two boys to one man, left the force where it was. Then came the government of the right hon. Member for Tamworth; and they, as I have said, reduced the number of men. I confess, I was at a loss to understand what the right hon. Baronet meant just now, when he denied this;† they not only reduced the men, but they boasted of it. What said my noble Friend, the Member for Dorsetshire, (Lord Ashley) who moved the naval estimates in 1835, and whom I regret not to see in his place, he said, that the House had been accustomed to economy under the preceding Governments, and they would find that they had not lost in that respect by the return of the Conservatives to power; for "with respect to the first great head, namely, the effective service, he had to inform the House that there was a reduction of 2,000 men, on full wages—in 1835 as compared with 1834—but, in consequence of the success which had attended similar experiments in former years, 1,000 boys were to be added; as, however, 1,000 boys were equal only to 500 men, there would be a net reduction of 1,500 men."[*]

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* Debate, Aug. 14, 1838. Hansard, 3rd Series, vol. xliv. p. 1200.

† Sir Robert Peel had done so across the table.

The numbers voted make it still clearer.

The numbers voted were:—

	Men.	Boys.
In 1834 . .	17,500 . .	1,000
1835 . .	15,500 . .	2,000

The next year we added 5,000 men and boys.

This was the conduct of the Tories. What said the right hon. Member for Pembroke, at the time, who, if I may use the expression, then represented Whig opinions upon naval matters. He expressed his disapprobation of the reduction. He said, that "he must express his regret, that at this juncture any reduction whatever had taken place." He said, referring to the force of other nations, "that he put it to the good sense of Gentlemen present whether it was proper, if foreign powers were in that state to incur the risk of reducing the amount of the naval force of the country to the amount proposed."[*] The reduction then was made by the Tories, and it was disapproved at the time by the Whigs.

I confess I should have been glad to hear on what ground that reduction was made. When we made the increase in the subsequent year, no insignificant Member of the right hon. Baronet's Government, the Duke of Wellington, took the earliest opportunity of expressing his approbation of the increase. I should be glad to know what change had taken place in the affairs of Europe, that could make this difference. My memory may deceive me, but as far as I can recollect, no change had taken place in the aspect of political affairs, which could have made a reduction right in 1835, when, in the opinion of the Duke of Wellington, an increase was so necessary in 1836. But, Sir, there is no longer any doubt upon this point. We have had within these few days the advantage of hearing the statement of the noble Earl, who was First Lord of the Admiralty, in the Government of the right hon. Baronet, and what was his account of it? "Great," said he, "was the pressure for economy upon the Government; small was the chance, that the House of Commons would listen to a large vote for the navy; and, therefore, he would be perfectly frank, and at once say, that the number of men was a great deal too small, and short as had been his professional connexion with the service he felt it deeply before he quitted office."[*]

Now, Sir, after this account of the grounds of the reduced vote taken iu 1835 by Sir Robert Peel's Government. I beg of hon. Gentlemen to call to mind the expressions, that have been so lavishly applied to us: "Base truckling to the hon. Member for Kilkenny; disgraceful parsimony; and a sacrifice of the best interests of the navy, to a shameful courting of low popularity," were the mild terms in which our conduct was spoken of by the Tory press. I appeal to every candid man on this side of the House, or even on your own, whether these terms are more applicable to us who increased, or to you who reduced, the navy, and for such reasons as are stated by yourselves, with a frankness, which, I confess, almost disarms me.

I should have been glad, Sir, if the various publications to which I have alluded had confined themselves to even such violent and unjust attacks as these; but I grieve to see, that many of them are written in a tone and temper which make me blush to think, that they were written by Englishmen.

It used to be almost a reproach to an Englishmen, that he unduly despised everything that was foreign, unduly esteemed everything that was English. This was a pardonable, because it was a patriotic, pride. No such feeling appears in these publications; there, everything abroad is exalted, everything at home depreciated; I might not have complained if they had stopped here; but even beyond this, the writers have made the grossest misstatements, and, in some cases, when evidently from the references in their own publications they had the means of correct information before them, they have yet stated what was untrue. I cannot characterise such a course, however unwilling I am to use a harsh word, but as little less than wilful misrepresentation.

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[*] Hansard, 3rd Series, vol. xxvi. 996.

[†] Hansard, vol. xxvi., p. 990.

[*] Times Newspaper, Feb. 23.

Neither can I be surprised, that when these statements have been made public, apprehensions should have been very generally entertained in this country; or as I am told, that opinions derogatory to the honour and power of Great Britain, should have been expressed by individuals abroad. In one, however, of these fears I have never participated. I mean the fear that any foreign power should have been encouraged by such statements to assume a more hostile attitude, or to use more hostile language towards this country: and for this simple reason, because I am perfectly assured, that with those means of information which, in this free country, are open to everybody, there is no foreign power which has the least curiosity on the subject, which is not in possession of more accurate information than what is contained in these pamphlets—information unknown and neglected only by those who seek to depreciate their own country.

The pamphlets refer to the state of foreign navies and to our own. I will now advert to those of foreign powers, and first to that of the French. The statements as to the French navy are contained in a letter addressed to the Duke of Wellington, and signed (I do not know whether it was written) by "A Flag Officer," and which excited very great attention at the time of its first publication.

The French navy is a powerful and formidable navy, but the exaggerations in the flag officer's letter on the subject are perfectly absurd. He says they have "fifty-seven sail in commission, or ready for it." The name of each ship is given—the number of guns she carries, and the whole statement has an appearance of accuracy which might well deceive those who had no means of better information. Now, of the ships so described, as "in commission, or ready for it," nine have been broken up, condemned, burnt, or lost; three are hulks, one is a school ship, and twenty-two are building, so that out of the fifty-seven, he is wrong by no less than thirty-five.

The next point to which I will allude, illustrates the different manner in which he deals with things abroad and at home. He attacks me as Secretary to the Admiralty for saying, that we had at a particular time twenty sail of the line "at sea." He is candid enough, however, to confute himself in this point; for though he gives some reasons why he does not consider them as effective ships, a few pages afterwards, he gives the list of the twenty sail of the line at sea. But how does he deal with the French navy? They have, he says, twenty-two sail of the line "actually at sea." It will hardly be believed, that to make up the twenty-two he includes all the ships the French have afloat including those in ordinary. The number actually at sea is ten. There is no excuse for these inaccuracies. He professes to quote an able and elaborate report of Baron Tupinier, which contains the real state of the French navy, and the French annual estimates contain the fullest information. The French carry publicity to a fault. They carry it, as Sir John Barrow has mentioned in his late life of Lord Anson, to their own detriment. There is no disguise about the state of their navy. They have twenty-two ships afloat, and twenty-seven building, making forty-nine, I mean ships of the line; and I beg the Committee to understand, that unless I particularly specify it, I always mean ships of the line, for the task would be endless if I went into the details of smaller vessels. Their active force for 1838 was eight sail of the line, but, including reliefs, they had ten at sea.

The next subject I shall refer to, is the American navy, the ships of which are, as naval officers know, of a very formidable description; but it is an error to suppose that their navy has been much increased of late years. On the contrary, there have been great complaints in America, that there was nothing doing in their dockyards. The American naval force is precisely what it was last year and a year or two back. They have seven ships of the line, and four building; eight frigates, and six building. [Sir *James Graham* intimated across the Table, that Sir John Barrow's letter stated twenty-six ships of the line.] There is a mistake in the statement in the table in Sir John Barrow's book; he has included in the ships building, those for which frames are collected, or are contracted for. There can be no mistake about the matter; for the paper I am quoting is an extract from the report to Congress of the state of the navy. To satisfy the right hon. Baronet, I will give the statement in detail.

The Americans have two ships of the line in commission, three ready for sea, two in want of repair, four on the stocks, four of which the frames are collected, and eleven, the frames for which are contracted for, to be delivered by the year 1841; and it would be absurd to reckon as ships building, those for which the timber may as yet be growing in an American forest.

To show the want of vessels in the American navy, I will read an extract from the Secretary of the Navy's report.

> "The act of congress approved 22nd December, authorized the President of the United States to employ the public vessels in cruising along the Atlantic coast during the winter season, for the purpose of affording relief to merchantmen in distress. Under this law, the sloop of war Erie, the brigs Pioneer and Consort, the schooner Active, and steam-ship Fulton were occasionally employed with beneficial results: owing to the want of proper vessels at the disposal of this department, after supplying the necessities of foreign stations, the steam-ship Fulton is the only one now available for this service."

And it is not a little curious, that in that country, the mother of steam navigation, this steam-vessel should be the only one belonging to the Government.

I come now to the great bugbear of my hon. Friend, the Member for Birmingham, the Russian navy; and certainly if I had believed the newspapers in the autumn, I should have thought, that the hon. Gentleman had inoculated half the country with his fears and hatred of Russia. Most exaggerated accounts had been put forth on the subject of the Russian navy; and the Admiralty are accused of being the only persons in the country ignorant and careless on the subject. I cannot expect, that anything that falls from me as an individual should excite the attention of this House; but I may call to the recollection of hon. Gentlemen, that in moving the navy estimates in 1836 I stated the force of the Russian navy, and stated it as one of the grounds on which I asked for an increase of our naval force, and what was the reception I met with? Why, I was taunted by the right hon. Member for Tamworth, for having made statements calculated to excite alarm at home, and apprehension of hostilities abroad. In spite of this circumstance we have been accused of ignorance on the subject; when it is notorious, that I made this statement in the House in 1836, and a statement to the same effect was made by the right hon. Member for Pembroke in the year 1835; by myself one year, and by him two years before the publication of Commander Craufurd's pamphlet. Sir, there is no difficulty in ascertaining the truth, if Gentlemen would only take the trouble of inquiring before they begin to write upon the subject.

The Russians have twenty-eight sail of the line in the Baltic fit for service, of which eighteen are seventy-four gun ships; and ten in the Black Sea, of which two are in bad condition; and Russian ships are remarkably subject to decay, so that a ship reported perfectly good one year, is sometimes condemned as unseaworthy the next.

This, then, being the condition of the Russian fleet in the Baltic, and which is, from the nature of the Russian naval service always kept ready for sea; I will admit to the hon. Member for Birmingham, that if, without provocation, without warning, in the middle of profound peace, regardless of the fearful vengeance which this country might exact, Russia chose to make a sudden attack on this country, she might do us considerable mischief; so I will admit, that if France, in time of profound peace, suddenly landed a large force on our shores, it might take some time to collect a force to oppose them; and so, Sir, your life and that of every one of us, is at the mercy of the first man we meet in the street, if, without provocation and without warning he chooses to attempt it. But are these dangers, which even the most prudent man thinks it necessary to guard against? If so, I ask if this country was ever in time of peace prepared against such dangers? If so, I ask if the three guard-ships, half-manned, in each port, about which we have heard so much, were an adequate defence against twenty-eight Russian ships of the line? If we are really to be protected against such an attack, we should have twenty or twenty-five sail of the line in the North Sea every summer. But surely hon. Gentlemen will perceive that this involves a question, which cannot be decided by a department, or even by a Government, it must be decided by Parliament and the country, for it is no less than whether we shall, in time of peace, maintain a war establishment.

Now, Sir, I recommend Gentlemen who advocate such a course, first to sit down and calculate the cost. It is not a question of two or three sail of the line, it is not a question of three or four thousand men, or of four or five hundred thousand pounds; it is a question of millions in every year since the peace up to the present time, and hereafter.

It is possible that all our greatest statesmen may have been wrong, and that a war establishment may be right; but this is a point which it yet remains for those Gentlemen to prove. I hold in my hand a curious paper on this subject, which, with the permission of the committee, I will read to them, as bearing directly upon my argument.

> "The Duke of Choiseul on quitting office presented an elaborate and confidential paper to his sovereign, in which he entreats him most earnestly, to adopt a system subversive of the maritime greatness of Great Britain; such is avowed in the paper to have been the object to which the policy of France had long been directed. The aim and end, according to the writer, were just and reasonable, but the means adopted, namely the equipment of large fleets, and the resort to frequent hostilities were defective and injurious. The secret scheme recommended in the paper, and which it is contended therein, would to demonstration waste and destroy, not merely the navy of Great Britain, but the resources and spirit from which her greatness was derived, was according to this remarkable paper to keep her in a constant state of feverish apprehension, to compel her to exhaust her strength on peace establishments, and yet never afford her an opportunity by actual war, of dispelling the bugbears which excited these alarms.

The Duke de Choiseul, no unimportant or uninformed Minister of the power which was then our great rival, may be wrong; Lord Grenville may have been wrong; and almost every person who has taken a part in public affairs since 1815, may have been wrong; and it may be right to maintain a war establishment during peace. I will not now stop to argue this question further; if Parliament and the country decide upon a war establishment, we will do our best to administer the war, as we have to administer the peace establishment of the navy.

If, however, war establishments are not to be maintained, then the amount of the force must depend upon the nearer or more distant prospect of hostilities, and the state of our relations with foreign powers, of which, after all, the Ministers of the day must, on their responsibility, be the judges. On these grounds the present Administration proposed its vote of men in 1836, and the circumstances remaining the same, they will propose to the committee to vote the same number of men for the present year. On these grounds, too, I should have been willing to give full credit to the hon. Member for Tamworth, in his reduction of men, supposing that he believed the prospect of peace to have been increased by his accession to power, if it had not been for the frank confession of the noble Earl elsewhere, to which I have before alluded. The present Government did not think it for the honour or the interest of this country, that the naval force should be so low as it was when they came into office, and they, therefore, proposed, in their first estimates, an increase of 5,000 men.

Sir, it may be some consolation to my hon. Friend, the Member for Birmingham, to know that there is no great increase in the Russian fleet from what it was many years ago. The hon. Gentleman has referred this evening to what it was forty years back. I will state what its numbers have been at several periods. In 1787, the Russians had forty-five sail of the line, and several building; in 1801, sixty-one sail of the line; and in 1807, forty-three —precisely the same number as they have at present: I speak of those afloat, exclusive of ships building. Their ships are increased above what they were three or four years ago, but they have not yet reached their establishment, which is forty-five sail of the line in the two seas.

It will be a further consolation to my hon. Friend, to be assured, that we have for years lived unarmed through dangers as great as that to which we are now exposed. The number of our ships in commission, is higher in proportion to the Russians than it has been for some time.

In 1817 we had fifteen sail of the line in commission, and Russia had thirty,—our ships being just one half of hers; in 1823, we had twelve, and the Russians thirty-seven,—our ships being in the proportion of one-third to hers; In 1832, we had eleven, and Russia thirty-six—being also in the proportion of nearly one-third; and now we have twenty, and Russia forty-three,—having raised our ships to nearly half the number of those of Russia. So far, therefore, we are in a better situation as respects that country, than in any year since 1817. In fact, England has now a larger naval force than she has ever yet maintained during peace. Including the ordinary, which, for this purpose, the men being available for sea service, I have a right to reckon, but excluding those employed in the home packets, the vote for seamen for 1838 was 24,700 men; and the highest vote under a Tory Government, including the coast blockade, namely, in 1828, was 21,000. The increase, therefore, above their highest vote is little short of 4,000 men. I repeat, therefore, that this country has at this moment the largest naval force, the greatest number of seamen, and the greatest number of ships in commission, that she has ever had since the peace.

I am aware, Sir, that several objections have been taken to the composition of our force, to which I will now advert.

It is said, in the first place, that we have only seventy-four gun ships, and that we ought to have more of our larger ships at sea. When Gentlemen are determined to object, there is no saying to what length their objections may not be carried; but if there is any one point on which I thought that we were beyond reproach, not that I take any credit for it to the present board of Admiralty, it was that of wearing out our small two-deckers in time of peace; and reserving our more powerful ships for the exigencies of war. This was the course recommended by the late comptroller of the navy, acted upon by former boards, followed up by us; and, I must say, that I am perfectly convinced that the course is a right one.

Another charge is, that our ships are half armed.

This charge may apply to the flag-ships at the ports, all of which have not their lower-deck guns in. The Howe at Sheerness has: guns for the others are lying ready at the Ordnance wharf; and I have only to appeal to any naval officer to confirm me in the statement, that no three-decker takes all her guns in at Portsmouth till she gets to Spithead. The Britannia could not lie where she is if she had her lower deck guns in.

The next description of ships to which the charge might apply is the ships of the line conveying troops to America. It is perfectly true, that for the convenience of the troops embarked, these ships did take out their lower-deck guns. It was the practice during the war. In 1811, Sir Joseph Yorke, then a lord of the Admiralty, conveyed troops to Lisbon in no less than six ships of the line which had taken out their lower-deck guns.

The third description of ships to which the objection may apply, and to which I believe it was mainly directed, are the flag ships on foreign stations. The public has been led to suppose, that the present board of Admiralty has sent out ships much less powerful than those usually employed on foreign stations. When the present Government came into office the flag-ships on foreign stations were fourth or fifth rates, that is, frigates of the larger class. It was, however, represented to us, that it would be a great convenience and great benefit to the service if ships of the line without their lower deck guns were substituted on these stations, as by this means greater accommodation would be afforded to the admiral's retinue, and to the numerous supernumaries who are constantly borne in flag-ships abroad. For this reason the Admiralty assented to the proposal, and with the further knowledge, that if any occasion should arise for it, these ships might, by taking in their lower-deck guns, and completing their complements, which there is no difficulty in doing abroad, become at once effectual ships of the line. The best proof of this is, that out of three ships of this description on foreign stations, two have actually taken in their lower-deck guns. The moment it was thought necessary to act on the coast of America the lower-deck guns of the Cornwallis were taken in at Halifax, and her complement filled up. The same thing has since been done with the Wellesley in India.

It is a matter of small importance, and curious only as shewing how totally destitute of truth the charges against the Admiralty have been, that one accusation on this subject, contained in a newspaper sent up to me, as they frequently are when there is any attack upon the Admiralty in them, was, that great hardship had been inflicted upon the flag officers by this course; and still greater injustice, for by a special exception in favour of Lord Minto's brother, he had been allowed to have his lower-deck guns mounted. Now, true it is, that Admiral Elliott's ship is a solitary exception, but it is an exception the other way: for the Melville is the only ship which has not her lower-deck guns.

The last objection is, that the ships are only half manned. It is perfectly true, that in time of peace the ships have only peace complements on board. An hon. and gallant Friend of mine has to-night expressed an opinion, that there should be no such thing as reduced complements in time of peace. Without meaning to defend ourselves for doing wrong, because others have done wrong before us, I have yet a right to say this, that all those distinguished officers who have at any time, during peace, sat at the board of Admiralty, have invariably been of opinion, that in peace a reduced complement was right. I do not feel myself competent to give a strong opinion on naval matters, especially in the presence of so many who are better able to form a proper judgment on such matters than myself; but I must say, that it seems to me to stand to reason, that if in time of war such a complement of men is put into a ship as are able to fight all her guns in a protracted action—to go through all the hard service that is incident to a time of war—and even to furnish prize-crews, a smaller complement may be sufficient when none of these contingencies are likely to arise. With regard to what the amount of such complements should be, I feel myself still more unable to express an opinion. The peace complement of 1834, which has been complained of, and which, after all, was not framed by us, was very considerably larger than the peace complement which, from the year 1816 to 1826, was established in the navy, and which officers of long experience in naval affairs supposed, up to the latter of those years, to be sufficient. In 1826, the complements were increased. They have subsequently been changed from time to time,—supernumeraries were given to some ships, and taken away from others; but the changes have been made upon no rule whatever. In 1834, the complements were reviewed, and a small reduction made.

I readily admit, that in some classes of ships, especially in those technically called Razées, and in the new classes of ships, the complements fixed in 1834 were too small. The Admiralty were some time ago disposed to increase them; but those who have been connected with the management of public affairs will know what strong objections there are to dealing with particular cases; and, as the Admiralty had, under their consideration, a scheme for the new armament of the navy, which necessarily entailed a revision of the complements, they thought it better to postpone doing anything till the whole could be done on a system.

Experiments have been carried on for some time on board the Gunnery ship, in Portsmouth Harbour, which were brought to a conclusion in the course of last year. A scheme of armament for all classes of ships was then framed, and was taken into consideration by the board as soon as they met after the recess. It is too technical a subject for me to enter upon in this House; but I may state, upon the opinion of most able and competent officers, that the new armament is of a most powerful and formidable description. As soon as the armament was fixed, the complements were revised. The arrangement of the war complements is nearly made; but, as it is not pressing, and requires an Order in Council, it is not yet quite completed. The peace complement, however, has been completed, giving a considerable increase, especially in those ships where the deficiency was most complained of.

A paper was put into my hands, shewing the ratio of reduction of former peace complements as compared with the war complement of 1814; and, as it afforded a fair test of comparison, I had that of the new peace complement added to it. The peace complement of 1816 was twenty-four per cent. below the war complement of 1814; that of 1826, seven per cent.; that of 1834, eight per cent.; and the peace establishment, as just fixed, will only be four and a half per cent. below it. And I do believe, that what the hon. Member for Bristol said ought to be done,—what my gallant Friend, Captain Berkeley, was so anxious to see,—a proper and adequate peace complement, has been established, and one which will give satisfaction to the best officers in the service.

Since Parliament has met, I must admit, that we have heard little or nothing of these charges of a general reduction of our navy. It is not the first time, that accusations against the Government, which have been rife enough during the autumn recess, have vanished, as at the touch of Ithuriel's spear, on the meeting of Parliament. Since then the charges have dwindled down into an imputation of having neglected the defence of our own shores; and having so far departed from the course pursued by former Governments, that now an American privateer might run unopposed up the Channel, and burn the town of Brighton.* It is somewhat strange, that hon. Gentlemen opposite had not found this out in the year 1835, when the shores of this country were in a much more defenceless position. This, too, I stated in the year 1836, as another of the grounds upon which I then asked the House for an increase of force. It is true, that hon. Gentlemen opposite were not in office in the summer of 1835, but it is notorious, that the estimates by which the amount of force is determined, are settled soon after Parliament meets in each year; and, indeed, the arrangements for the year are made early in the spring, especially when there is a probability, that a Government is going out. A Government coming in afterwards can only deal with the force which it finds. [*Cheers from Sir Robert Peel.*] If the right hon. Gentleman supposes, that I mean to imply any censure on the appointment of the officers then made, I assure him he is quite mistaken. I only mean, that after completing the frigates which had just been commissioned, we had no disposable force left. [Sir *R. Peel:* You might have moved a supplementary estimate.] We might have moved a supplementary estimate, says the right hon. Gentleman. I admit, that such a course was possible, but I never heard of its having been adopted; and if the right hon. Gentleman means to reproach me for not having done so, I ask him, how it happened, that they did not come down to amend their own estimate, and ask for an increase to the number of men which they admit to have been too small, and that they were fully aware of it, even in the short time which elapsed after their vote before they quitted office?

The old system, and which we have now again heard so much commended, was to keep three half-manned guard-ships in each port. I believe a worse system for the discipline and habits both of officers and men never was invented. This system was discontinued by the right hon. Member for Pembroke in 1832. He substituted three inefficient flag-ships; I mean ships which could not go to sea. He established what were called demonstration ships; and the whole of his active force consisted of sea-going ships. So it was when hon. Gentlemen opposite came into power, and if they disapproved of this plan so much, and thought the old system of guard-ships so advantageous, they might have commissioned guard-ships in the spring of 1835. They did no such thing; they did commission frigates; and though for the first of the periods no blame can attach to them, it is singular enough, that the year 1835 is the only year for a long time in which neither on the 1st of January, nor on the 1st of July, was there any sea-going ship of the line in any of our harbours. This was so much felt by the present board, that one of their first acts was to restore efficient flag-ships in our ports. The orders for this purpose were given in June, 1835; and from the time that these ships were completed, there has been an efficient three-decker in each of our ports.

One great argument used in favour of the guard-ships has been the celerity with which troops were conveyed to Lisbon in 1826; and hearing this point so urged, any body ignorant on the subject might suppose, that troops had not been sent out to Canada last year in the same manner, in greater numbers, and in circumstances of greater difficulty, both from this country and the Mediterranean.

The system upon which we have acted, has been to have within reach every summer what we consider to be a sufficient number of efficient ships of the line. We consider, as in this situation, any ships at Lisbon, on the north coast of Spain, or cruising as an experimental squadron. With the more rapid and certain means of communication now afforded by steam vessels, I see no difficulty in collecting ships from this distance in a very short time. It was always considered advisable to send even the guard-ships occasionally to sea for the practice both of officers and men. Even they were not always at home.

Taking, then, the ships so employed in addition to those in our ports, there was within reach, in the month of July, 1835, when I do not consider ourselves responsible for the arrangement, one single ship of the line; in July, 1836, the first year of our arrangements, there were fourteen;

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* See the Flag Officer's Letter.

in July, 1837, there were eleven; in the month of April, last year, there were nine. Four were dispatched to America with troops; they returned as soon as they had performed that duty; and in the month of August there were again nine ships of the line within reach. So far, then, from our coasts having been left defenceless, I maintain, that we were in a better condition with nine efficient ships within reach, than with nine guard-ships in our ports. My noble Friend (Lord Ingestrie) has moved for returns, shewing the number of the complements of the ships stationed on the coasts of this country on the 1st of December for several years. I find, that the number in December, 1835, was 2539; and in December, 1836, the number was 5467, more than double that of the preceding year.

I come now to the demonstration ships. They were established by the right hon. Member for Pembroke, and we have persevered in the same system. I admit that they are not now in the same state of readiness as that which he recommended; and I will state the reason for this to the Committee. It was found on examining some of them in 1836, that the tanks, and other things which they had on board, tended very much to produce decay; and not only the rigging, but the masts of others had become so rotten that it was necessary to take them out and to put new ones in. For this reason the system was changed, and the stores, masts, &c., are now kept in store-houses, preserved from the risk of decay, but perfectly ready to be at once put into the ships. Certainly some, but a very trifling delay might be caused by this; but it is evident, that the ships from which it was necessary to take out the old masts and rigging could not be so soon ready as under the present system.

Much has been said about the time which has been required to get these demonstration ships ready for sea. It is quite impossible in time of peace to get work so rapidly done, as when every body feels,that there is a real necessity for exertion. Besides, in fitting a ship for a long station many alterations and improvements are made, which would not be necessary in order to send the ship to sea in case of need. The Ganges took a long time in fitting at Portsmouth, but the master shipwright of that yard told my hon. Friend near me (Sir C. Adam) on the deck of the Ganges, that there was not more of really necessary shipwright's work required for her than could be done in forty-eight hours if she was wanted for an emergency. As to their requiring caulking, or being taken into dock to have their copper examined, it is equally necessary for guard-ships, or indeed for any ships lying in harbour. It is always done at intervals. If a ship happens to be commissioned just after one of these periods, she needs nothing; if just before, there is of course this additional work to be done.

The next and most important point is the manning of the navy.

I do not apprehend that there is more difficulty now in manning the navy than usually has been the case during peace. I do not refer, of course, to the years immediately subsequent to the last war, when so many seamen were suddenly thrown out of employment. In the year 1812 we had a vote for near 150,000 men; in the year 1818 for 14,000. With every allowance for a number of foreigners employed during the war, and for the seamen who might be absorbed in the commercial service, there must have been for some time nearly 100,000 men who could not find employment. The manning is now exceedingly slow, from the selection which officers think it necessary to make. Much depends upon accident; still more upon the character of the officer commanding the ship. There is no place where it has generally been so difficult to man ships as Sheerness; and yet not very long ago, a 74-gun ship was manned there in little more than a fortnight, and with one of the best crews which any ship has lately carried to sea. If, as I believe it does, the selection tends to promote order and discipline on board ship, and to diminish the necessity for corporal punishment, I do not see why, in time of peace, such haste should be made as to risk those advantages. It appears from a statement which was published in the *Times* newspaper, from a forthcoming work by Captain Marryatt, that exactly the same complaint is made in America; and that their ships of war lie for months in port before they can get manned.

The condition of the British seamen has recently been improved; and it is now superior in every respect to that of the merchant seamen, except in that of pay. Even the pay in the Queen's service is very little lower than that of seamen in merchant ships for long voyages. Hon. Gentlemen do not seem to take into account the number of petty officers in Queen's ships, who are raised exactly as seamen for the Queen's or merchant service, but who receive higher rates of pay. Our attention, too, has been particularly directed to improving the condition of this most meritorious class of officers; and I had great pleasure in stating the other night, in answer to a question from the hon. Member for Boston, that by a recent order they have been put into classes, and their pay increased. The pay of those in all ships of the line has been made equal to that in first-rates. The second class comprises all those in other rated ships; and the third, those in sloops and small vessels. The increase in the amount of pay varies from two and three to six and seven shillings per month.

The question of the pay of seamen is one not very easy to deal with, for it involves that of the amount of pay in the merchant service. It appears, however, from Captain Marryatt's statement, to which I have already referred, that the amount of Queen's pay in this country approaches much more nearly to that of the merchant service, than the State pay does to the merchants pay in America. Captain Marryatt states that the seamen in the American merchant service receive 3*l*. 10*s*. per month; in the service of the Government, 2*l*. per month; and that in England the merchant seamen's wages vary from 2*l*. 2*s*. to 2*l*. 10*s*. per month, whilst our seamen receive 1*l*. 14*s*. Taking then the amount for the year, the American merchant seaman receives 42*l*. per annum; the seaman in an American ship of war receives 24*l*. per annum, or 26*l*., if it is reckoned as in this country, by the lunar month; the difference in one case being 18*l*. in the other 16*l*. per annum. The English merchant seaman receives 25*l*. 4*s*. or 30*l*. per annum, according as we take the lower or the higher rate of pay; the seaman in the Queen's service receives 22*l*. 2*s*. per annum; the difference in one case being 3*l*. 2*s*., in the other 7*l*. 18*s*. per annum, and the greatest difference does not amount to *half* the lowest difference in the American pay.

Speaking then, generally, I do not conceive that, in ordinary circumstances, and maintaining about the same permanent number of men in the Queen's service, there will be any difficulty in manning our fleet. The question is, however, altered, when we come to make an *increase* to the number of men. In discussing this question, Gentlemen seem to me to treat it as if the supply and demand of seamen were regulated by different principles from that of other description of persons. It must be evident to hon. Gentlemen that there never can be for any length of time either in this or in any other country, a greater number of seamen, than those for whom, either in the service of the State, or of individuals, there is permanent employment. If, then, there is a demand for men, beyond the usual number, for the Queen's service, they must be drawn from the merchant service; and the immediate effect is to raise the pay in the merchant service. All the distress and stagnation of commerce in the last two years, produced no effect in reducing the wages of merchant seamen; but so small a draft upon them as 5,000 men in 1836, (and, indeed, in that year we did not actually draw more than 3,000), raised the merchant wages considerably, and complaints were made to the Admiralty that several vessels were lying in the Thames unable to go to sea for want of men.

It is therefore very desirable that any increase of the number of men in the Navy should be made slowly and gradually; and I believe that the best mode of doing this is by entering boys and training them up in the service; as by this means they acquire an attachment to the service in which they have been bred up from their youth, and make the very best seamen in the navy.

I will now advert to the resources which we should have at command in this country, in case of need, as compared with foreign countries. With regard to Russia, it is obvious that it is the necessary condition of the maintenance of her navy, that they should keep up in peace whatever they consider requisite for their war establishment. They have no mercantile marine to draw upon, and if they did not maintain their numbers even in peace, they would be without resource for war. The Americans, if Captain Marryatt's statement is to be depended upon, rely entirely on this country for their supply of seamen, and not only much of their State navy, but a large portion of their merchant vessels, are manned by men from this country. The French, like other nations, depend upon their mercantile resources; and their mode of raising men is, as is well known, by the means of what is termed "The Inscription." The book to which I have before referred, Baron Tupinier's Report on the French Navy, contains an account of the Inscription. According to him, there appeared, on the inspection of 1835, to be 90,000 registered seamen in France. Of these, 37,000 were either masters, landsmen or apprentices; of the remainder, 18,000 were either below or above age,—leaving actually available 35,000 men; of these, however, 18,000 were already in the King's service, so that the whole number they could rely upon for an increase of their naval force, was only 17,000. Baron Tupinier certainly questions the accuracy of this, which is however the official account of the inspection of the Inscription in 1835, as given by himself. It is clear, however, that the whole number registered in France is 90,000; and deducting the 18,000 already in their navy, there remains 72,000, of all classes and ages, available as a resource for an increase of their navy.

By the last returns under the Act for the registry of merchant seamen, there were in this country 200,000 registered seamen of all classes, including apprentices. The actual number registered is 202,000; but allowing for deaths or double entries, which, however, cannot go to any great extent, I take it at 200,000.

This number, moreover, does not include all the fishermen, or many other branches of our maritime population. There is no official account of their numbers; but upon the best calculation that can be made, and upon very good data, I cannot calculate the number of seafaring men beyond the 200,000 registered seamen, at less than 150,000. It has been said that there has been a reduction of seamen of late years in England, and especially since the general introduction of steam navigation; so far from this being the case, there has beeen a considerable increase. The returns which I am now about to quote, are not accurate accounts of the actual number of seamen, and I beg the Committee to understand that I use them for the purpose of comparison only. They are prepared in the Custom-house, upon the same data in different years; and I am assured by the very intelligent officer at the head of the office for the registry of merchant seamen, that as comparative statements in different years, and as such only I use them, they may safely be relied upon. By these returns it appears that the number of registered seamen was—

In 1833	164,000
1834	168,000
1835	171,000
1836	171,600
1837	173,500

Giving an increase in the five years of no less than 9,500. I cannot give any account to a later period, for the returns are only made up in March. It is to be observed, however, that in the year 1836, in consequence of returns made in pursuance of one of the provisions of the Merchant Seamen's Act, several vessels which had been lost were struck off the list; the crews of which amounted, according to the scale of the returns, to 1,800 men. If it were not for this circumstance, the increase would have been greater both in that and the subsequent year. In order, therefore, to take the comparison fairly, 1,800 ought to be deducted from the numbers of the preceding years; which would give an increase in the five years of upwards of 11,000 men. With regard to the effect of steam, it appears from the same returns that it has not operated sensibly in diminishing the increase of our sailing vessels, which are the real nurseries of our seamen. In 1833, there were 24,385 sailing vessels, and in 1837, 26,037; the increase in the five years being no less than 1,652. I cannot state the increase of steam-vessels in the same time from any official documents, but from a statement which appeared a short time ago in a Liverpool paper, it appears that in 1833 there were 415, and in 1836 there were 600, the increase being 185.

The Committee may be interested in knowing the number of merchant steam-vessels at present belonging to this country, and I must say that I do not look upon this as one of the least formidable resources which we possess in the event of a war. By a return which I have before me, it appears that the number of steam-vessels in this country

of 200-horse power and upwards is 65
of 100 ditto to 200 is 136
making together 201 of 100-horse power and upwards.

Of from 50 to 100-horse power 160
Under 50 - - - 318
making altogether 679 steam-vessels;

and I have reason to believe, that even this statement is under the mark, especially as relates to the larger class of steam-boats, which are increasing daily.

With these enormous resources, then, of our mercantile marine, upon which we have always hitherto securely relied, which have always been considered the real maritime strength of this country, in which not all the nations of the world put together can compete with us, I see no reason for supposing that in any circumstances, or in any emergency that may arise, we are not in a much better condition for manning our fleet, and better prepared, if need be, even for war, than at any former period of our history.

I will state shortly to the Committee what has been done on former occasions when it was necessary to increase the naval force, and when we had not such means at command as now.

In the armament of 1787, there were 14,000 men borne in August; in October, there were 24,000.

In 1790, there were borne in April 17,000 men; they were doubled by the month of June, when the numbers borne were 34,000. In September, the same year, the number was 52,000.

In the armament of 1792 and 1793, the number borne in November, 1792, was 12,000; it was nearly doubled by January 1793, when the number was 23,000; in two months more, in March, the number was 39,000; in May, 50,000; in July, 60,000; and, before the end of the year, the number had been raised to nearly six times its amount, in the month of November, 1792, viz. to 70,000 men.

I have now, on this part of the subject, only to refer to the existing means for immediately sending additional men to our ships; and to the question of putting down the Coast-blockade, which was considered as a great and valuable resource for this object. Great exaggerations have been made use of on this subject on all sides. The right hon. Member for Pembroke put down the Coast-blockade in conformity with the report of several committees of this House; and it must be remembered, also, that this is not exclusively a naval question. The protection of the revenue is intimately concerned in it. He has been much blamed for destroying a great resource for manning our navy. But the resource has been overstated; for the right hon. Gentleman mentioned in this House, that the number of able seamen in the coast-blockade, at the time when it was put down, amounted to only 800. The right hon. Baronet established the system of the coast-guard, with the view of affording an inducement to men to enter the navy, and as a reward for the best seamen. I do not think that it has quite answered the expectations which he entertained of it in this respect. I am inclined to think that perhaps a system may be devised, which, without interfering with the protection of the revenue, may again render it of more advantage towards manning the navy. This, however, will be inquired into before a commission, of which a Lord of the Admiralty will be a member, which is about to sit, and to investigate the whole subject of the coast-guard service, and which would have commenced its labours ere now, but for the severe illness of the Assistant-Secretary of the Treasury.

But, Sir, whatever resource has been taken away by putting down the coast-blockade, we have more than supplied by commissioning the ordinary. Formerly, the persons employed in taking care of our ships in ordinary, were not liable, and many of them not capable, of going to sea. They are now all of them men raised for general service, liable to be sent to sea, and in practice occasionally drafted into sea-going ships.

The number available for this purpose in January last, was 1,449, men and boys. When the complements of the guard-ships of the ordinary are completed, there will be about 2,200; and the number actually drawn from the ordinaries, or lent to sea-going ships in the course of last year, was 589; as large a number as ever were drafted from the coast-blockade in the same time. To show what description of boys were employed in the ordinaries, and trained up in the service, the Committee will, I am sure, hear with pleasure part of a letter from one of the officers of the ordinary, which has been received within this day or two. A number of second class boys had been ordered from the ordinaries into the flag-ships to be sent to foreign stations:—

"About 80 of our second class boys have been discharged to-day into the flag-ship. Nothing can exceed the trouble which has been taken with the boys by the officers of the ordinary, in the exercise of the great guns, in reefing and furling sails; and I assure you some of the second class boys now gone into the flag-ship are as expert at the gun exercise as the seamen are, and our first class boys sometimes beat the men."

Such, Sir, then, is the state of our navy, and of our naval resources; and I do not hesitate to say that, whether as regards the active force employed—the force for the defence of our own shores—the number of seamen in the country, or those available for immediate demands—this country never was, in time of peace, in so powerful a condition as she is at this moment.

I turn now to the next great branch of the estimates—the maintenance of the ships of our fleet. It is perfectly true, that the number of our ships of the line has been diminishing since the peace; they, like everything else, have been coming to what was considered to be the peace establishment; but they have not yet reached what was considered the minimum limit. The present Board of Admiralty, however, thinking that limit somewhat too low, knowing also that some of the ships were very old, and thinking that we were deficient in some particular classes of ships, have already commenced the increase. The maintenance of our ships evidently depends upon the amount of work in our dockyards.

Orders for the reduction of the number of men in our dockyards, were given by the Duke of Wellington's Government, in January 1830, although they were not carried into effect till May 1831, by the right hon. Member for Pembroke; and I, perhaps, can hardly give a better proof of the advantage derived from the abolition of the Navy Board, than the fact that orders issued to them by the Admiralty in January 1830, were only very partially executed in May 1831.

I am, however, sorry that the right hon. Baronet did not carry out the intentions of the Board of Admiralty in 1830, in directing this reduction of men; which were, that when reduced in numbers, they should work six days in the week: 7,000 men, or rather upwards, working for five days in the week (and a more absurd system than that of working five days only, never was practised,) are about equal to 6,000 working for six days—and therefore no reduction in the amount of work would thus have been made.

The right hon. Baronet, however, allowed the 6,000 men to work five days only, and he put them on day pay, which further reduced the amount of labour performed. It is not very easy to estimate the reduction made, but it must have been much more considerable than I should think he could have contemplated. The annual consumption of ship-building timber, on the average of seven years, ending in 1830, was 21,600 loads. The annual consumption on the average of four years, ending in 1836, the year before we made the increase, was only 9,600, the difference being no less than 12,000 loads. With every allowance for waste and error under the old system, such a diminution in the consumption of timber cannot but indicate a great reduction of work performed.

The votes for wages were:

In 1829 . . .	£.480,000
1833 . . .	390,000
1834 . . .	300,000

The present Board of Admiralty in their first visit to the dockyards in the autumn of 1835, began to entertain apprehensions of the inadequacy of the work. An additional half day was given for three months in 1836: subsequent additions were made, and including what was taken for the packets, but exclusive of the yard at Holyhead, the votes for wages in 1838, was 384,000*l.* The number of persons employed in our dockyards, in April 1835, when we came into office, was 6,265; in October last, the number employed was 7,644; some reduction has been subsequently made, but the number employed in January last was 7,591, being an increase of 1,326 persons.

This increase, together with the employment of all the people for six days in the week, amounts altogether to nearly one-third of the work performed before.

I will now state to the Committee what has been done with these means. The first attention of the Admiralty was directed to the small vessels, for which there was an immediate and pressing demand. There were in commission of sloops and small vessels of all kinds, in 1835, eighty-five; in 1838, 107; the increase being twenty-two. Of steam-vessels, omitting the packets on home stations, there were in all stages in 1835, twenty-four; there are now thirty-six: being an increase of twelve, within three years.

As however the subject of steam-vessels

is one of the greatest interest, I will state in detail what we have done as to increasing their number. In the year 1835 one steam-vessel of 140 horse-power was launched. In the year 1836, also one steam-vessel of 140 horse-power was launched. In the year 1837, when our increase to the dockyards began to take effect, one large war steam-ship of 300 horse-power; one of 140 horse-power, and two small ones for the home packet stations were launched. In the year 1838 there have been completed, though two of them are not yet launched, one war steam-vessel of 220 horse-power, two of 240 horse-power, one of 160 horse-power, and two of 300 horse power, large packets for the Liverpool stations. There are nearly completed, and will be launched in the course of the spring, and completed before midsummer, one large war steam-ship of 300 horse-power and two of 280 horse-power, and arrangements are made for launching six other steam-vessels of inferior power within the year. The numbers completed in each of the five years, will therefore be as follows:—

In 1835 . . .	1
1836 . . .	1
1837 . . .	4
1838 . . .	6
1839 . . .	9

We found five war steam-vessels, and we shall have added seven, by next midsummer, and generally speaking of larger power; besides very much improving the description of our packets both abroad and at home.

In large ships we have done but little, for want of means. The increase we have made will enable us to launch one three-decker, and two second-rates this year. Three ships of the line will be laid down in the course of the year; and I trust, what has always been intended but not executed, duplicate frames of them provided.

We have also made arrangements for recurring to a system which was very beneficial for the navy, I mean building teak ships in India. We have taken a small increase in the vote for wages this year; but we think it desirable to have another year's experience of the effect of a system of work we have introduced into the yards, before we can decide what measures it may ultimately be necessary to adopt.

The next head of expenditure is for the stores of the navy. Upon this subject hon. Gentlemen will remember how constant and how loud the attacks upon us have been. I confess I was not much alarmed, for I remembered how similar attacks had been made upon the right hon. Member for Pembroke, and equally without foundation. If hon. Gentlemen opposite, by whom those attacks were made, thought, that the system of the right hon. Baronet was so wrong, how comes it, I would ask, that they did not alter it when they came into office. They did no such thing, they reduced the lowest amount ever taken by the right hon. Member for Pembroke for providing stores, by no less a sum than 82,000*l.*, and the lowest vote ever taken for stores, was that taken by the Government of the right hon. Member for Tamworth.

Whether we look to the total strength of our navy; to the defence of the coasts of this country, or to the provision for naval stores, the most inadequate means were those provided in the estimates of 1835.

I will deal first with converted stores, because they depend, in great measure, as the ships do, upon the number of workmen in the yards. Nothing, Sir, could be so absurd as the old system of stores: great part of them, invariably rotted in the yards before they could be used. We have heard a great deal said of the advantages of appropriated stores. The system was to appropriate all the stores for a ship, put them away in a separate place, to be ready for the ship when commissioned. In the first inspection of the dock-yards by the right hon. Member for Pembroke, he found such appropriated stores, carefully put away, labelled with the ship's name, not to be touched till she was commissioned, and the only objection to their being used was, that the ship had been broken up for years. No wonder, that under such a system, so faithfully carried out, stores rotted in our yards; and if the right hon. Member for Pembroke had done nothing else, he would have done the greatest service in putting an end to such a system. If I were to find fault with the right hon. Baronet, I should say, that he had not probed the system deep enough, for we found a considerable quantity of stores in this state.

Sir, in the statements I am about to make, I beg most distinctly to say, that I impute blame to nobody: but I do wish to call the attention of the Committee to them, as they shew the great difficulties we have had to contend with, and the exertions we have made to put our stores into a proper state, beyond the increase which we have made to our force at sea.

One of the most important articles of store are the lower masts of ships, and which take some time to make. In the autumn of 1835, we had reason to think, that the lower masts in store were not in good condition. A survey was ordered in November 1835, and on the completion of that survey no less than 161 lower masts were found defective. Nearly one half of the lower masts for ships of the line were condemned. We have been somewhat impeded in raising the amount of the masts in store by the reduced state of the establishment; but we have now a store in fact, which we then had, only on paper.

The next article is top-masts.

Top-masts are soon made, perish rapidly when made, are easily preserved in spars; it is not, therefore, the practice to keep a large quantity in a converted state. Taking then together, the top-masts and the spars for top-masts, we have of the largest size fit for ships of the line, and assuming as the basis of calculation the consumption of last year with our increased force, a quantity equal to twenty years consumption.

What I have said of lower masts, is equally applicable to rigging and sails; great quantities of those in store were found defective on commissioning the ships in 1836, one-third of the fitted rigging for ships of the line was condemned as unserviceable.

Cables and cordage are above the establishment. With regard to yarn, an alteration was made in 1833 in the mode of making it, with the view of improving its durability. I do not think, that the improved quality has at all made up for the diminished production. Now what have we done as to rope-making? We gave the rope-makers the sixth day per week in 1836, we have since doubled the number of persons employed in rope-making in our yards, besides adding very powerful machinery at Chatham for this purpose.

The quantity of yarn produced in 1836, was double that produced in 1835. In 1837 we doubled again the production of 1836; and in 1838, we have produced six times as much as was made in 1835.

The result is, that there are now the main articles of store complete, requisite for sending to sea more than thirty sail of the line, besides frigates; those for five or six more are nearly ready. These ships are in addition to those already in commission; so that we have in fact stores for between fifty and sixty sail of the line.

I am perfectly aware, that this statement differs from that made by a noble Earl, who even took the trouble of visiting two of our dock-yards for the purpose of acquiring full information on the subject of our stores. I can only say, that any statements he may have made as to the inadequacy of our stores, are completely contradicted, not only by the ordinary official returns from the yards, but also by more particular communications which we have since had with the superintendants of the yards. I will take two of the principal statements insisted on by the noble Lord.—He said, that there was no lower mast in store for the Revenge at Portsmouth. I will read an extract from a letter of Rear-Admiral Bouverie, the superintendant of the yard, to whom reference has been made:—

> "There were masts in store fit and ready to put on board the Revenge, on the 31st of January last, if it had been requisite to have masted her before those destined for her were completed. Her own masts would have been completed long ere this, if it had not been considered expedient to season the fishes and cheeks as long as was convenient, before fixing them in their places on the exterior of the masts."

The truth therefore was, that though the masts destined for her were not quite completed, there were others ready for her in the yard.

With regard to the statement as affecting another yard, Plymouth, the noble Lord said that there were no topsails in store: of small sails of various sorts there were plenty, but of topsails (the important sails, without which a ship cannot go to sea), there were none. Such, Sir, did not appear to be the case, by the ordinary return of stores; but to prevent the possibility of a mistake, I wrote to the superintendant, Admiral Warren, to ascertain what topsails there were in the yard on the day when the noble Lord was there. I have received his answer; and on the 31st of January last, when the noble Lord said there was not a single topsail in the yard, there were in fact for ships of the line 66; for frigates of the large classes, 70. The noble Earl further stated that there were no complete suits of sails for line-of-battle ships at Plymouth. There were in fact complete suits for foreign service; for first-rates, three sets; for second-rates, one; for third-rates, three,—making together seven complete sets for ships of the line, and six for large frigates. Complete suits for foreign service contain more sails than are needed, in order to send ships to sea, or than they carried for Channel service even during the war.

Part of the sails for Plymouth yard are made at Deptford, and a number, to complete other sets, arrived at Plymouth from thence on the 2nd of February; but I confine myself to what there was in store, on the day of the noble Earl's visit.

I am indeed aware that the noble Earl says our returns are false—that is a grave and serious charge to make against the individuals to whom it is applied. I appeal to those who have formerly been connected with the Admiralty, and who are personally acquainted with the individuals, the storekeepers of the different yards, if they are men likely to make false returns. I ask if, with the certainty of detection staring them in the face, they would dare to do so. I ask the Committee, if the hon. and gallant Officers, the superintendants of the yards who transmit the returns, Admiral Bouverie and Admiral Warren, men of as high family and rank as the noble Earl himself, are men likely to make false returns. I ask, if the Storekeeper-general of the Navy, than whom a more honourable man does not exist, is a man likely to make a false return. I am sure that if the noble Earl had considered for a moment, he would have retracted the charge as soon as it was made. I ask then the Committee, whether such information as a hasty visit to the yards could afford, or the returns made by such men as I have described, are most to be relied upon.

I do wish, however, to call the particular attention of the Committee to these statements. A noble Lord, a most honourable man, incapable I am sure of stating what he does not believe to be true, a captain in the navy, and therefore conversant with the subject, goes down to the dockyards for the very purpose of obtaining a knowledge of the state of the stores; communicates with the superintendant; is accompanied at Plymouth round the yard by the master-attendant (an old shipmate of the noble Earl's) with orders to shew him every thing he might wish to see, and yet with these, the best possible means of obtaining the most accurate information —what is the result? The public, I freely admit, has a right to rely on such testimony. Without such means of official information as we possess, it could not have had better evidence, and yet I have shewn you, on evidence which cannot be disputed, that a statement so erroneous could hardly have been made.

With regard to all these stores, I state on the authority of the Storekeeper-general of the Navy, who was himself a member of the Navy Board, and has been for ten or twelve years in a most responsible situation in Somerset House, and has better means of forming an opinion than any other individual, that never in his memory were the stores of the navy in so efficient a state.

With regard to unconverted stores. The establishment for timber was fixed by the Navy Board in 1826 at two years consumption; we have now timber in store for five years. The store of hemp is above the establishment; that of canvass, including what is due from contractors, is higher than for some years past.

We have taken a considerable increase in the vote for stores this year.

As to timber, there were reasons connected with the state of the contract which prevented our doing so last year; the increased consumption requires an increased supply. We have also entered into engagements for the supply of Italian oak; and for a quantity of larch, which, being a lighter wood, is particularly useful in building steam-vessels.

There will be an increased consumption of hemp; and the price has risen from 30*l.* to 45*l.* per ton.

The same is true of canvass.

There is an increased sum for steam machinery; and further sums are taken for increasing the supply of anchors and boats.

I will now call the attention of the Committee to the subject of repairs and new works in our yards; and, under this head, I must say that I do not think enough has been done since the peace, especially when we consider the large works and large outlay which the French have made for similar purposes. A plan for improving Woolwich yard was proposed some years ago, and I am sorry to say was then postponed. We have been carrying it on gradually; first, by erecting a new river wall; last year we provided for the entrances of the docks; this year we shall commence the construction of the docks; and we shall have completed, so as to be in operation before the end of the year, a large establishment for the construction and repair of boilers and steam machinery.

Chatham dockyard had been very much neglected, and a great portion of the sheds and houses have been almost rebuilt within these few years.

At Portsmouth attempts have been made to patch up the sea wall, which have failed; and we are now about to undertake repairing the slips, which are unsafe, and the wall along the harbour, in a solid and effectual manner. In the course of doing this, two new slips will be constructed. It will take about two or three years to complete this work.

At Plymouth in the same manner a building slip, which is not safe, is to be made good; and the sea walls repaired in a substantial manner; and this latter work is to be so executed as to form the commencement of works necessary for the construction of a basin; the want of which at Plymouth has been long felt and complained of.

Two roofs will be constructed at Pembroke.

There is another point for which considerable provision is made in these estimates, and that is, for introducing machinery of different kinds into our yards. I think too little has been hitherto done for this purpose. This probably arose from a desire not to discharge the men; but it is impossible to go through any of the great private establishments in this country, and not to feel ashamed of the state of our dockyards in this respect.

There will in many cases be a great saving made by these means. In one instance, which is included in the present estimates, the introduction of so simple a thing as fan-bellows, the cost of which is not more than 1,200*l.* I believe the saving will be} near 1,000*l.* per annum; by the increased labour of the smiths who are now employed in blowing the bellows.

We have already erected rope machinery at Chatham; we have completed the millwright machinery at Plymouth; and we have purchased the most powerful machinery, (a splendid proof of the genius of Captain Huddart, an officer of the East India Company's service,) for making rope, and a sum is taken in the present estimates for erecting it at Deptford.

Sir, I have now gone through the different main branches of expenditure on which the strength of our navy depends, and I trust I have shewn that we have not neglected our duty. I have shewn in what state we found our establishments, the exertions we have made, and the state to which we have brought them, a state of efficiency, I do not hesitate to say, unparalleled in time of peace.

After having trespassed so long on the attention of the Committee, I will only say, upon the other heads of estimate, that there is a considerable increase in the victualling estimate, over which we have no control, as it arises entirely from the increased price of provisions; but I must advert shortly to a new item which appears in the scientific vote, for the re-establishment, though on a different footing, of the Royal Naval College. The old Naval College was put down a short time ago, because the Admiralty did not think that any useful end was gained by it, beyond what might be attained by education at private establishments, and enforced by an examination previous to the entry of first class volunteers. There had been great complaints of the College, and soon after Lord Minto came to the Admiralty, there were forty vacancies and only one candidate for admission. As a better means of affording education to young gentlemen in the navy, when we suppressed the College, we introduced a schoolmaster of a superior description, with increased pay, who is now termed, "Naval Instructor." We were somewhat disappointed at first in the expectations we had been led to form of the number of candidates who would come forward. There are now, however, twelve in sea-going ships, and three preparing themselves on board the Excellent; in all fifteen, and I have no doubt that we shall soon have instructors in all our ships.

The system of the revived Naval College is, that a certain number of mates shall, after passing through the system of gunnery in the Excellent, be received at the College, and receive there scientific instruction of various kinds; the prize of a lieutenant's commission being held out to the officer who passes the best, at half-yearly examinations. The whole establishment is to be under the direction of Captain Hastings, who has shewn himself fully competent for the duty, by the manner in which he has conducted the system on board the Excellent. We trust, that by this means, and by giving the education at a time of life, when the officers are more able to appreciate its value, we shall extend among the officers of the navy a higher degree of scientific attainment, which the improved system of gunnery, and the introduction of steam navigation has rendered indispensable, and without which an officer now can hardly hope to rise in his profession.

Sir, in the course of the observations which I have addressed to the committee, I have necessarily had to speak of former Administrations, and I hope I have done so, in a manner not calculated to give offence to anybody. Such, at any rate, was my intention. With regard to Administrations previous to 1830, I think their system of stores was bad, and that enough was not done for the improvement of the dock-yards. The Administration of the right hon. Member for Pembroke, was the one of great and beneficial reforms in the naval department. The abolition of the subordinate boards was a great improvement. The credit of that measure is indeed due to Lord Grey, who would have executed it in 1806, if he had remained longer at the Admiralty; but I must do the right hon. Baronet full justice for the manner in which he carried it into execution; and the selection which he made of the officers for the heads of the different departments, than whom abler or better public servants could not have been chosen. He extended the system of the Excellent. He made great improvements in the condition of the seamen and in the system of stores for the navy. In one point I do differ from him, and that is, that the establishments of the dock-yards, or perhaps I should say the amount of work in them, was fixed too low.

With regard to the short-lived Administration of the right hon. Member for Tamworth, I had no disposition to blame even the reduction of men which it made: and I expressed no such opinion in moving for the increase of men in 1836, or at any subsequent period; but when we for six months have been suffering under the charge of having made this reduction, it is too much for human patience to bear: and after all, I have only shown how much more the accusations made by the partisans of that Administration apply to them, than to the present Government.

With regard to our own administration of naval affairs, I am not vain enough to suppose, that we have not committed many faults. I am still more sensibly aware how much remains to be done; but of all the accusations to be brought against us, the last which I expected was, that we should be accused of having been deterred by false economy from proposing to this House what we thought necessary for the efficiency of the naval service.

In 1836, in our first estimates, we increased the force of the navy; in 1837 we increased the establishment of our dock-yards. In 1838, as in the previous years, we increased the vote for stores; circumstances existed which prevented the increase in that year being as much as it would naturally have been, and the increase under this head has therefore fallen principally on this year, enhanced, I am sorry to say, by an increased price of some of the main articles.

But, Sir, in alluding to the acts of the present Board of Admiralty, I must refer, though only very shortly, to a few other points, for the purpose of shewing, that throughout the service, our administration of naval affairs has been productive of improvement.

Hon. Gentlemen may recollect, that a committee of this House reported against making any general promotion. My noble Friend at the head of the Admiralty felt very soon after his accession to office, how hardly this pressed upon old and meritorious officers; he therefore proposed to the Government a flag promotion. The Government acceded to the proposal, and in January 1837, a large promotion took place. On the coronation of her Majesty a second promotion took place, and the officers of the navy have had the advantage of two general promotions in an unusually short space of time.

With regard to the marines, we carried through a large measure of improvement. Every inefficient officer, on survey, was removed from the corps and placed in retirement, a larger number of retirements were created for the heads of the corps, and the operation of the whole measure was such, that in a twelvemonth a larger proportion of the officers of marines received promotion than, I will venture to say, of any other corps in more than twice the time.

With regard to pursers, and for this measure my hon. and gallant Friend, the Member for Devonport, deserves the credit of having called our attention to it; the emoluments of pursers in large ships which exceeded those of the captains have been reduced, those of pursers in small vessels increased, and a shilling a-day added to the half-pay of all.

The pay of assistant-surgeons has been increased in small ships; and further measures for the improvement of the situation of some other classes of our officers in the navy were in contemplation, when our course was arrested by a vote of this House, which rendered it necessary to appoint a commission to inquire into the promotion and retirement of naval and military officers.

As that commission has not made any report, I will say no more on that head: I only beg, that it may be understood, that we are preparing to take steps for the benefit of other officers in the navy.

The warrant-officers have been classed, and their situation improved.

The engineers have been classed, and their pay increased.

The petty officers have been classed, and their pay increased.

After what the right hon. Member for Pembroke has done, there remained but little to do for the seamen; they have, nevertheless, been provided by us with a schoolmaster, and a seamen's library in each ship.

We have increased the strength of our fleet, we have increased the number of small vessels, and nearly doubled that of ships of the line in commission. The service of carrying troops to America was performed with the greatest efficiency; and I can assure the committee, that we have received satisfactory accounts of the effect which was produced there, not only in our own colonies, but in the United States, by the appearance on their coasts, in a very short time, of no less than seven ships of the line.

The flag-ships in the ports have been made effective ships.

The ordinaries have been put into commission.

The armament of the ships in the navy has been revised and very much improved.

The complements have been revised and increased.

The war steamers have been more than doubled in number, and those which have been added are generally of larger size.

The steam vessels employed as packets abroad, and the home-packets also have been improved.

The greatest attention has been paid to the subject of steam-navigation, and the whole superintendence of every thing connected with it, placed under a most able officer, Sir Edward Parry.

We have added about a third to the work in the dockyards.

We have made arrangements for building in India.

We have increased the stores of every description in our yards, and of the most efficient materials. A further supply of materials is amply provided for in this year's estimates.

We have carried on, and are carrying on, large works at Woolwich, which will render it, in about two years, a most complete establishment for the purposes of steam-vessels and steam machinery.

Deptford has been restored as a store-yard, and Huddart's valuable rope machinery will be erected there.

Large works are undertaken at Portsmouth; and also at Plymouth, including the construction of a basin.

The whole of these works are placed under the superintendance of a most intelligent and zealous officer of engineers, Captain Brandreth; and I anticipate the greatest advantage from his exertions in improving the mode of conducting them.

Sir, I am sensible that I have trespassed too long upon the attention and patience of the committee; but in the situation in which the Board of Admiralty has been placed by the attacks upon it for the last six months, I felt, that I could not do otherwise. I could not but show to the country what we have done, as the best answer to the charges against us. I must say, though perhaps I ought not to say so, that looking back upon the enumeration of our measures, which I have just laid before the committee, I do not think, that we have any reason to be ashamed of what we have done. Our measures of improvement of the navy have neither been few nor unimportant. We have done much — we have laid the foundation of more.

I am not sorry, that the question has been agitated as it has been. We may have incurred some obloquy: but I am not afraid of the judgement of the country, when it is put in possession of the truth. Although we may have suffered, I am sure that the country has gained. It has been seen, that the real opinion of the country is not in favour of that pressure for excessive economy, which may perhaps have been too lightly yielded to, when it touches so vital a point as the efficiency of the British navy: and we have the satisfaction of feeling, that in the improvement and increase of our naval establishment, which we have been carrying on for the last three years, we have only been anticipating the wishes of the country.

Sir, it only remains for me to thank hon. Gentlemen, which I do most sincerely, for the kind attention with which they have listened to me, and to place in your hands the vote for men for the service of the ensuing year.

Sir *E. Codrington* moved the adjournment of the House, but he could not do so without expressing the greatest admiration of the speech which the hon. Secretary for the Admiralty had just made.

Mr. *C. Wood* said, it was of the greatest importance that a vote should be taken. He therefore asked leave to sit again on Wednesday to propose the vote which he had mentioned.

Sir *G. Clerk* had no objection to the postponement. Though he bore his testimony to the able manner in which the hon. Gentleman had gone through so many topics, there was a considerable degree of fallacy in his statement, particularly that part of it in which a contrast was drawn between the present state of the navy, and its condition under former Administrations.

House resumed.

HOUSE OF LORDS,

Tuesday, March 5, 1839.

MINUTES.] Petitions presented. By the Duke of WELLINGTON, and Lords RALEIGH, and REDESDALE, from several places, against the Repeal of the Corn-laws.—By Lord MELVILLE, from Edinburgh, for Church Extension. —By Lord FOLEY, from several places, for the Repeal of the Corn-laws.

MARRIAGE ACT.] The Bishop of *London* wished that a noble Lord had been in his place, who was in the habit of taking an interest in the conduct of Boards of Guardians of the Poor, before he had risen to make the observations he was about to submit, but as those observations would not affect the Board of Guardians, the absence of that noble Lord was the less to be regretted. His observations would relate to a subject that was no otherwise important than as it bore on the Marriage Law. Their Lordships were all aware that about two years ago a Bill passed, altering in a great degree the law of marriage in order to satisfy certain Dissenters, who held it to be a grievance to be married according to the religious forms of the Established Church. Amongst other things it was at that time apprehended that that Bill would afford facilities to clandestine marriages, and the petitions he held in his hand would show that apprehension was not altogether unfounded. The number of marriages that had been solemnized since the passing of the Act otherwise than according to the forms of the Church had been very insignificant—so insignificant, that had the Legislature known, it probably would have hesitated before it had made such an innovation on the then established law as this Bill made. However, whatever number of Dissenters felt themselves to be aggrieved, it was the duty of their Lordships to afford them relief; the question was, whether the relief provided would not be attended with more serious cause of grievance than the comparatively small grievance that existed before. He held in his hand two petitions, one from the Board of Guardians of the Oundle Union, and the other from the clergy in the neighbourhood, and they tended to show that the law as it now stood, was not calculated to heighten but rather to lower the tone of public feeling as to the standard of marriage. There was something that might, perhaps, excite a smile in the circumstance to which he was about to allude, which was the fact referred to in one of the petitions, of a case of marriage, solemnized by the superintendant of the Oundle Union, between a young man and a woman who was his grandmother—and who were therefore incapable of contracting a marriage. He did not mean to impute blame to any of the parties concerned, except the two persons themselves. With respect to the conduct of the Registrar General, he was a person for whom he entertained very great respect, and although he had committed an error to a certain extent, it should be regarded with leniency, as mistakes were likely to occur in the administration of a law which had introduced such important and extensive innovations into the law of the country. But because it was an innovation, the parties who were to administer it, should have proceeded with the greatest caution, so as to prevent those evils and offences against morality and religion, which were likely to arise. The right rev. Prelate read the petition at length and proceeded. He regretted that the Registrar had not taken the advice of ecclesiastical lawyers, who would have at once decided that the marriage was within the prohibited degrees. As soon as the objection had been pointed out, the Registrar General had issued an injunction, but it was too late, for the marriage had been already solemnized. He had also a petition from the Board of Guardians to the same effect. There was another complaint made by the clergy who had signed the petition—that the marriage had been performed without the usual notice, and in defiance of the caution of the Vicar. He thought it was the duty of the Registrar to institute some inquiry into the matter. He had no complaint to make of the conduct of the Registrar General, but he hoped he would be excused for calling their Lordships' attention to the fact, in order that some measures might be taken for rendering such a case impossible again. He had intended at first to have moved for the whole of the correspondence that had passed between the parties and the Registrar General, but he did not now see that any good end would be served by so doing, and as he did not wish to give pain to the several parties unnecessarily, he would not then move for it. While he was upon this subject, their Lordships, he hoped, would allow him to make a few observations upon another Act which passed at the same time as the Marriage Act, he alluded to the Act for the Registration of Births. The Marriage Act would do but little harm, because it would never be much acted on, but the Act for the Registration of Births had done much harm to the Church, not as an establishment, though in that way she suffered much, but she felt more because she lost her influence over the lower orders. One distressing case had occurred lately. It was brought under his notice by a surgeon, who wrote to him at the suggestion of the mother of a child which had not been baptized, and the clergyman of course refused to bury it with the usual ceremonies. He was obliged to say, that the clergyman was not only right, but that he was expressly forbid to bury the unbaptized child. On inquiry he found that the mother had been informed, that having registered the birth of the child, there was nothing else required, and of course, the feelings of the parents were much hurt at the want of the usual religious solemnities. It was unfortunate that any slur should have been cast upon Ecclesiastical registration, which was closely connected with baptism, aad the instructions issued by the Registrar-General were calculated, though doubtless unintentionally, to produce in the lower orders, a disregard of the initiatory rite of religion. In conclusion the right rev. Prelate complained of the provision by which a penalty of 10*l.* was imposed upon every clergyman who interred a corpse without giving notice to the Registrar. That provision he said unjustly reflected on the clergyman, and was too vague and indefinite, because it did not specify to which Registrar notice was to be given.

The *Lord Chancellor* believed, that the right rev. Prelate had truly stated the facts of the case. At the same time, although the marriage was between a grandmother and a grandson, the grandmother was under age. It had unfortunately happened, that when the caveat was transmitted to the Registrar-General, that officer was absent, or the answer would not have been sent as had been—and when the Superintendent-Registrar was subsequently written to, the marriage had taken place. The question now to be considered was, whether the public had full security under the law as it stood against the recurrence of similar instances. He would therefore state what were the regulations adopted in the Registrar-General's Office in such cases. Upon a caveat being entered the Superintendent Registrar sent a copy to the party giving notice of the marriage, requiring to be informed whether the objections were admitted or denied; if denied, the party objecting was asked for further statements. If there was any doubt in the case, the caveat was transmitted to the Registrar-General, with copies of all the documents, and all the correspondence, together with written statements of any verbal communications. If no caveat was entered, and no one knew what was to take place, there was not and could not be any objection. It was utterly impossible in a very large and populous parish, in some instances, to know or to suspect any invalidity between two parties who came to contract marriage. When the Registrar was not able to come to a satisfactory decision he was to inquire into the facts and transmit the whole to the Registrar-General; and if the Registrar-General had been present, undoubtedly what was now complained of would not have taken place. The regulations which had been passed were well calculated to elicit the facts which were necessary to be known in order to prevent improper marriages taking place. He was not aware of any general regulation that could be made, better calculated to secure the object desired, and upon the whole he considered these regulations very well calculated to secure the object.

The Bishop of *London* said, he was informed of another case which was still stronger than what had been mentioned, where a marriage took place between a man and his wife's sister's daughter, the facts of which were known to the Guardians before the marriage took place. This could not have occurred under the old law, at least without the Clergyman being subject to Church censure as well as other punishment.

Lord *Lilford* said, that as ex-officio chairman of the Board of Guardians of the Oundle Union, he had received two letters, from which it appeared that the petition which had been presented by the right rev. Prelate as the petition of that Board of Guardians was not the petition of that Board, nor had it ever been before the Board. It was true that it was signed by some of the members of the Board, but it could only be taken to be the petition of such persons as had signed it. He desired to abstain from giving any opinion on the legality of the marriage, and only wished to set the House right as to the source from whence the petition came.

Lord *Brougham* said, that the objection of marrying persons in a parish, without knowing that they were resident in that parish, was an objection that applied to the old Act. In some instances, where parties knew they were not entitled to be married in certain parishes, they went to very largely populated parishes, consisting perhaps of 8,000 or 10,000 inhabitants, and then it was almost impossible to become acquainted with all the circumstances of the parties who contracted marriages. Some persons thought it was the most easy thing in the world to make a new law, and such a new law as would be calculated to meet every event, but those who lived the longest in Westminster Hall, and tried their hands the most at law making, found that it was the most difficult thing in the world to make a general law-calculated to effect every object upon every subject. He would fain hope, however, that the right rev. Prelate's observations, which were most useful, would direct the attention of those whose duty it was to attend to such affairs as this, to the subject. The right rev. Prelate had mentioned two marriages which were in point of law, no marriages at all—the issue of which were illegitimate, and where nothing could be done to cure that defect. He did not know who the person was who had been adverted to, but he was certainly a very rash individual. His noble and learned Friend declined to give an opinion on the legality of the marriages, but he (Lord Brougham) desired it to be distinctly understood that no doubt whatever existed of the illegality of the marriages. The judges had solemnly decided for a century past that such marriages were illegal. A bill had been brought in by him (Lord Brougham), to which great attention had been given by his noble and learned Friend opposite, with a view to cure the conflicts that existed between the Scotch marriage law and the English marriage law, which presented on the one hand the most painful uncertainty, and on the other the most absurd anomalies. The highest interests of society required that the law of marriage should be clear and easy to be understood. As the laws existed at present, a marriage might be lawful in Scotland and unlawful in England. A man might contract a marriage which would be perfectly lawful, but yet, if the same marriage had been contracted fifty yards towards the south from the place at which it was solemnized, such marriage would subject the man to transportation for bigamy. Such a circumstance had actually occurred. A most respectable man at Liverpool had mistaken the boundary of the two countries. Instead of being married in Scotland he was married in England, and for that marriage he was sentenced to transportation to Botany Bay. Subsequently his sentence was commuted to two years on board the hulks.—If he had been married in Scotland, the law of England could not have touched him. The twelve judges had to be assembled on that occasion, and they decided that the marriage was illegal. [Lord *Lyndhurst*—He was afterwards pardoned.] I know he was pardoned, if that was to be called a pardoning after he had been two or three years on board the hulks. The man was thus punished because it was said to be necessary in this way to stamp such conduct as illegal. The still more absurd anomaly followed, that a man was actually a bastard in England, while he was legitimate in Scotland, from the ante-nuptial law being different in the two countries. From that cause the same individual was legitimate in one country, and would be seized of lands as well as chattels there, while he was illegitimate in the other and could be seized of neither. A further absurdity was the fact, that in England a man might be a bastard when he went into a court of law, and legitimate when he went into a court of equity; so that he might be a bastard, and incapable of enjoying one estate, and legitimate so as to be capable of enjoying another estate. These were gross absurdities, and the sooner the attention of the Legislature was drawn to the law under which they arose so as to do away with them the better. He, in 1835 had brought in a bill with a view to remedy the state of the law, but he was about that time in very ill health, and consequently he had not been able to proceed with it. His noble and learned Friend, (Lord Lyndhurst) had given great attention to it. He was very anxious again to apply himself to the bringing forward of some such measure, and which should also be calculated to prevent another mockery of the law, viz., the prevention of the marriage of infants without proper consent. This part of the law was open to those who were not likely to be the subjects or objects of it, but the law had no operation as regarded those who could pay for post-horses to carry them to the Scotch borders. At the time that Norrie was convicted—the person's case to which he had alluded—he was counsel in that case, and he remembered stating that the Lord Chancellor, the Lord Primate, and the Lord Keeper of the Privy Seal, all of that day, had married their wives at Gretna Green. Every one of those great officers of State had themselves actually evaded the law of marriage of this country. Was it not absurd, that such a state of things should exist? The Legislature ought to be able to prevent the great mischiefs that might thus arise from marriages by those who could in this manner evade the law by running a race against it to Gretna Green. He should be most unwilling to make any alteration affecting the law of Scotland without the concurrence of persons there, whom everybody knew to be persons of great learning, ability, and transcendant worth, but he had no doubt, that they would be very happy to have some of the absurd anomalies of the marriage law removed.

Viscount *Melbourne* was exceedingly sorry to hear the observations which had been made by the right rev. Prelate. Unless there was accuracy in the registration of the births of children, great disorders might arise; but he did not see why, from having a civil registration, persons should be discouraged from bringing their children to receive the rites of baptism. If any Registrar had done anything to discourage that, the right rev. Prelate must know, that such a person had acted contrary in that respect to the instructions of the Registrar-general. He had not brought down those instructions with him, but so far as he recollected them, they were in very strong and very explicit language. He entirely agreed with the right rev. Prelate, that it was incumbent on the Legislature to watch the workings of this bill, more especially as their Lordships knew, that the solemnization of marriages had been subject to great abuse. If they looked at the dispensations of the Roman Catholics; if they took our marriage law from the period of the Reformation in this country to the passing of the Marriage Act, they all knew, that what was called the Fleet marriages had taken place in a manner which was neither conducive to the interests of the State, nor suited to the character and profession of the Clergy. If their Lordships considered what had been the state of the marriage law when the act was passed, and what abuses it was intended to prevent, they would remember that marriages had been solemnized which ought never to have taken place; and when every one knew, that those things did happen, when the solemnization of the marriage rested entirely with the clergy, it was absolutely necessary, now that the solemnization of marriages was confided to others than the clergy, to watch narrowly what took place.

The Bishop of *London* certainly complained, that the Registrars had actually discouraged the baptism of children. It was intimated, that it was not necessary that baptism should take place immediately; the consequence was, that it was delayed from week to week, from month to month, from year to year, and so the children never got baptised at all. He complained, that the registration of the births of children by the Church, had not been left undisturbed.

Lord *Ellenborough* wished to know if this duty was left to an officer out of the Church, why it was, that the clergy did not go among the people and instruct them in what was their duty.

The Bishop of *London* thought, that the noble Lord might have spared that invidious reflection on the clergy. Did it follow, that because an officer went among the people to tell them that their children need not be baptised, or that ceremony would do at any subsequent time, that the clergy did not do their duty? It was not unlikely, that where a little expenditure was required, the people might listen with eagerness to any statement by which they might be enabled to avoid that expense. As one of the clergy, he must express a hope that the noble Lord on consideration would allow that the reflection he had just thrown on the clergy was not well founded.

Lord *Ellenborough.* If the clergyman took much trouble to disabuse the minds of the poor, he would easily counteract the poison of the Registrar, the Church would be believed.

The Bishop of *London.* There is this difference. The clergyman would require a long course of argument to prove the necessity of what he required to be done, whereas the other only used the argument, that a shilling would be saved—one which was easily understood.

Petition laid on the Table.

Commutation of Sentences in Ireland.] The Earl of *Charleville* wished to know whether the noble Marquess (Marquess of Normanby) would grant him a return of all communications relative to the commutation of the sentence of Michael Bryan? He was induced to ask this question because the noble Marquess had on a former night stated, that he was induced to grant this commutation principally on the certificate of the surgeon of the gaol where this man was confined. He had in consequence written to the surgeon of Tullamore gaol, who returned an answer, that he never gave any such opinion; on the contrary, that he stated expressly, that the man was free from disease. This man had a pension, which was forfeited by the felony which he had committed; and the second question which he wished to put to the noble Marquess was, whether this pension was restored through the same influence that had affected his release from confinement?

The Marquess of *Normanby:* The noble Earl had made a great confusion in the statements which he attributed to him. What he stated on a former night was, that this man was not sent on board a transport ship in consequence of the refusal of the surgeon of the vessel to receive him, but that there were many reasons which subsequently induced him to mitigate the sentence. This man had been convicted of a horrible outrage, in which he had forced out the eye of another person; and one of the reasons which prevailed with him in commuting the sentence, was the memorial of the prosecutor, to whom he understood that the prisoner had given as compensation the sum of 10*l.* As to producing the memorial, he had a great objection to bringing forward documents which were considered confidential. With respect to the pension, he knew no more about its restoration than the noble Earl; nor did he suppose, that the Irish Government had any better information on the subject.

Conversation dropped.

HOUSE OF COMMONS,

Tuesday, March 5, 1839.

Minutes.] Bills. Read a first time:—Bankrupts (Ireland).

Petitions presented. By Mr. Halford, from the Magistrates of Leicestershire, against Beer Shops.—By Mr. Warburton, from Huddersfield, against any interference with the Beer Shops.—By Colonel Rushbrooke, Messrs. Hodges, Hale, Palmer, Alston, Parker, Sanford, Pakington, and S. Lefevre, against the present Law affecting Beer Shops.—By Mr. Barnaby, from certain Individuals, for an Inquiry into Lunatic Asylums.—By Mr. Muskett, from three places, for Abolishing the Punishment of Death.—By Mr. Pendarves, from a number of Printers, against the Copyright Bill—By Sir G. Clerk, from a place in Scotland, for Church Extension.—By Mr. Darby, from Inhabitants of Sussex, against any system of National Education not founded on the Scriptures.—By Mr. H. Grattan, from Meath, against the Tithe Act.—By Mr. Kinnaird, from Lanark, against further Endowing the Church of Scotland—By Lord Dalmeny, Sir Henry Parnell, Mr. Jervis, and Mr. Villiers, for the Repeal of the Corn-laws.—By Messrs. Sanford, Christopher, Cayley, Beihell, O'BRIEN, HODGES, HALE, and Colonel RUSHBROOKE, from a number of places, against the Repeal of the Corn-laws.

CONDITION OF THE NAVY.] Sir *Edward Codrington* said, after the very able speech made by the hon. the Secretary of the Admiralty last night, he was anxious to avoid troubling the House with a repetition of the matters of detail which were then so fully explained; but, notwithstanding the ample consideration which the House then bestowed upon the state and efficiency of the British navy, there were several points of great importance which were not touched upon; and in particular, the condition of the officers and men. Such being the case, he felt himself called upon to press the subject on the attention of the House and the Government. He knew, from a life of lengthened service, what was really wanted by the officers and the men; and his object in bringing their case under the attention of the House, was, to endeavour to prevail upon the Government to do that which he believed to be but bare justice, and requisite, to banish all cause of discontent from the officers and men in our naval service. The question was one easy of arrangement—a question of regulations; and discontent existed owing to those regulations, from the admiral down to the very lowest class and portion of the service. The House should consider the position in which our navy was placed by the maintenance of what is termed the peace complements. No ship in the British navy should ever be sent to sea, without having such a complement of men, and being fitted out in every respect in such a way as to enable her to meet and be fit to contend with any exigency she may have to encounter. He would enable the House to determine, whether our ships of war are manned in such a manner as to enable them to meet such exigencies. In our naval engagements of the 1st of June and 29th of May, or Lord Howe's engagement in which he served, we had eleven men to every 18-pounder, and thirteen to 32-pounders; but at the battle of Navarino, he had only, on an average, nine and a-half men to every 32-pounder. Now, he asked the House, whether a constant diminution in the number of men to our guns was safe for the public interest, or just to the officers in command, or men who are afloat? He was unwilling to go over the same matter twice, or to go into details that might fatigue the House after the debate of last night, but he must say, that every man who is acquainted with the duty of officers in command of ships afloat, would agree with him in this, that they would prefer the oldest almost of our ships of war well manned and well found, to the newest ships, manned as they are now manned; and he would venture to say, that he would go into action with the oldest ship under those circumstances, and come out victorious. It is not a question of stores—of Whig stores or Tory stores. The navy care very little about that part of the subject. What they want is to have officers and ships' companies that are efficient; and what he meant to show was, that justice had not been done to the officers or the men. He undertook to show, that there was not a single officer in the civil service of the Government who was not allowed to retire after a term of half service, without receiving double the retired allowance which was paid to an officer of similar rank in the navy. He would not fatigue the House by entering into a detailed comparison; indeed, he formerly gave it to the House, and need not now mention names; but look at the cases of Sir R. Keats or Sir S. Hood, and other officers of long and arduous service, who had been in many actions; yet their half-pay only amounted to 766*l.* 10*s.* per annum, after fifty or sixty and more years' service. Out of their pay they contributed to Greenwich Hospital, and to a Widow's Pension. Let Gentlemen compare that with the Pension-list, and with the amount which different ladies received for pensions, and then let them say whether justice was done to seamen. He believed great disappointment had been felt in consequence of certain pensions not having been considerably reduced on the revision of the pension-list; and when they found that certain pensions were still continued without any claims whatever, and that the widows and daughters of an admiral, who had distinguished himself for his bravery, would be only allowed 120*l.* a-year, he thought some further revision was wanted, not only of the Pension-list itself, but also that pensions and rewards should be given to officers of the navy. But he did not complain of the amount given to others. His complaint was, that officers of the navy should be treated worse than any other class of persons who served the Government. It would appear, as though it were a luxury to run the risk of being shot at, and it had been said, "Oh! but you gain honours." He had alluded to this on a former occasion, and no doubt honours were very pretty to look at, but there was very little substance in them; and when a man was called upon to pay for them, perhaps they were not so very desirable. He thought honours ought to be given without being asked for, and certainly without being paid for. He could mention the case of an admiral who died a few years ago, and whose two daughters were obliged to go to a private charity, called the Benevolent Naval Society, and receive 25*l.* a-year each, to keep them from starving. He would ask, whether that was the way in which the children of an admiral ought to be treated? This was a question that had nothing to do with party—and there was no man, in or out of the House, that did not feel ashamed that such a state of things should be allowed to continue, and who would not express his willingness to endeavour to have them remedied. Those who were in power ought to come forward boldly, and ask for a sum of money requisite for the purpose of meeting such cases. He would now refer to an Admiral's full pay; and here he had to find fault with the mode in which it was put down in the official documents. The Admiral's pay and the table money was put down as the Admiral's pay only. The table money and the Admiral's pay ought to be kept distinct. The pay of a Rear-Admiral was 1,095*l.* a-year, and he was certain that unless he was always living at sea, or lived in a very close manner, he must spend a great deal more. But then what had he to retire on? He had to retire on half-pay, 450*l.* a-year, so that he was expected to save money out of 1,095*l.* a-year, and to live upon 450*l.* per annum. Then, again, the table money was a mere pittance, and was not sufficient to enable a man to keep an open house. He thought he had stated enough to show that Admirals were not paid in proportion to the duties they were called upon to perform. He wished the House to consider the situation in which flag-officers were placed and he hoped the Admiralty would be induced to come forward and remedy those grievances. He might mention one instance, that of Captain Fitzroy, of the Beagle, who had expended no less than 7,000*l.* of his own money in fitting out his ship, and performing his duty in an efficient manner. He could mention a great number of instances in which officers were out of pocket, but he thought this an instance which required the attention of the Admiralty. If the Admiralty had not the means of remunerating that officer, he would urge them to come forward and state the case, and he was sure the House would not only give the money, but that the country would cheerfully consent to it, for it was not right that an officer who was desirous of doing his duty efficiently should pay for the honour of performing it. He had said that Admirals were very ill paid, whether on full or half-pay. He had documents to prove it. He now came to the class of Commanders, in whose situation there was great peculiarity. They did not rise regularly as Post Captains did, and they had no retirement. Now he could not understand what hesitation there could be in giving a retirement. Let them give those gentlemen who had no chance of rising in the service an inducement to retire, and it would be the means of clearing the list. In his opinion a proper commuted allowance should be given so as to encourage officers to emigrate and induce them to settle in Canada where they were much wanted. That would be a most beneficial thing for the Government and the country, if carried into execution, and he could not understand why it was not, as the First Lord of the Admiralty, fully agreed with him in opinion. Amongst these various complaints there was one case, that of the Lieutenants, which he had brought before the House on a former occasion, and which he would advert to now. It was well known from the quantity of Lieutenants that it was absolutely impossible to employ any considerable proportion of them. But the Lieutenants regularly rose on the half-pay list within a certain portion of time to receive instead of 5*s.*, 6*s.*, or 7*s.* a-day. It took now nearly double the time formerly required to arrive at that sum, but in consequence of many of these Lieutenants complaining, a boon was given to them to be allowed to be called Captains, but on condition that they were to have no more than 7*s.* a-day. There were thus several Commanders on the retired list at 7*s.* per day. Now, whatever the regulations of the Admiralty might be on this subject, the wording of the votes of that House was that three hundred

Lieutenants should have 7*s.* a-day each, and he, (Sir Edward Codrington) should like to know by what right this money was withheld from them which was voted to them by the House. He had moved on a former occasion, for the production of the documents authorising this. Observations had been made on these Orders in Council. He could not understand why these Orders in Council were not produced. Why should doubts as to the construction of these regulations exist? Why should the officers of the Navy not know what they were? In order to know what they were it was necessary that the naval officer should buy every quarter one of those little blue books, which were so wretchedly printed that they could scarcely be read, and as he had not for some time past been actively employed, he really did not know any thing about it. He thought thatthese things should be so regulated that superior officers in the service should have it in their power to refer to these regulations, so as to be able to give information to those who might apply to them on the subject. He should be glad to have these Orders in Council put before the House, in order that it might be known what were the regulations at present existing on the subject. He would now draw the attention of the House to another class of officers who were suffering under great hardships. As an instance he would relate the case of lieutenant Keys. He believed, that that officer had recently (since attention had been drawn to the case) received the out-pension of Greenwich hospital, which amounted to 50*l.* per annum; but this officer had been thirty-nine years in the service—he had been twice wounded, and he had received no pension. He had jumped overboard and saved a man from drowning by so doing. He was suffering from ill health at the time, and this produced such an effect upon him, that he was forced to retire from active service. At that time he received no remuneration from the Government; and he would ask the House was it right or just that such a man should be so treated. He would next draw the attention of the House to the case of masters of the navy. These officers, who were in general promoted from the class of acting masters had five shillings a day half-pay. If they were ordered to go to sea, they had to fit themselves out for the service at an expense nearer 200*l.* than 150*l.*, and what could the House think they had in addition to their half-pay to meet this? Why 5*d.* per day. He would ask if this was not a disgrace to the country. He knew the value of these men—the duties they had to perform were of the most important description. It had been supposed, that in consequence of this these officers endeavoured to avoid going into active service, but if they refused when called upon by the Admiralty they were scratched off the list. This was a sad alternative, and he did trust the House would enable the Admiralty to bestow something on this deserving class of officers. This class of officers served for a long time as acting masters, and they were apt to remain in that situation after their merit entitled them to promotion, because they feared to be unemployed. He was obliged to state these facts, because he knew that several hon. Gentlemen were unacquainted with them, notwithstanding he had stated them before. He now came to the class of surgeons and assistant Surgeons, and he wished them to be compared with the surgeons and assistant surgeons of the army, because although he knew the army was very ill treated, yet it was not quite so ill treated as the navy. The assistant surgeons in the army were entitled to more half-pay than the assistant surgeons in the navy. The surgeon in the army was entitled to retirement after twenty-five years service, but the surgeon in the navy must serve twenty-nine years and eleven months. If any hon. Gentleman would examine the lists of promotions since 1815, he would find that more than 100 medical officers of the army had since that period been promoted to the higher rank, giving an increase of half-pay, whilst only one naval surgeon had been so promoted. All the time of the assistant surgeons in the Army was taken into account in the calculations for pensions, while the assistant surgeons in the navy were entitled to reckon three years only. He had been a member of the lighthouse committee, before which there had been a question of giving to the collectors of customs the task of receiving the light duties. The observation of the right hon. Gentleman the Member for Tamworth upon that occasion was, that they could not impose this duty upon the collectors of customs without giving them an additional remuneration. Now, when the Royal Naval Asylum had been placed in connexion with Greenwich

Hospital, the duty which had previously been performed by the surgeons resident in the hospital was increased by the necessity of undertaking the medical superintendance of more than 1,000 additional children, without one farthing additional remuneration. He had more than once strongly advocated the claims of another class of singularly ill-treated individuals—he alluded to the pursers; and he felt it requisite to call the attention of the House again to this subject. The pursers at the present day were extremely ill off, compared with what they were at the time of the peace. The half-pay of a purser of twenty years service was, at the end of the war, *5s.* At present the lowest scale was *3s.*, and the highest *5s.* They must serve from thirty-five to forty years before they arrived at the same situation as at the end of the war, which fell very hardly upon them indeed. The situation of a purser on actual service was such, that he could realize a considerable sum of money; but the number of those employed was but small. They memorialized the Admiralty for an increase of their half-pay, but were refused. The body of pursers met, and arranged, that those who were lucky enough to be employed should give a portion of their receipts to their poorer brethren who did not enjoy the same advantage. They accordingly proposed to the Admiralty that their remuneration of one-eighth on the provisions should be reduced to one-tenth, on the consideration of the remainder being applied to the purpose to which he had before alluded. At length this arrangement was entered into, and the sum thus allocated in the course of a year (three years since) amounted to 7,000*l.* He contended, that by this time the Government had made more money by this arrangement than they had expended by the granting of this additional 1*s.* per day, and he knew not why this was not divided amongst them. He hoped that some information would be given on this subject when they came to discuss the estimates, because the money was really taken out of the pay of the pursers, to be devoted to the assistance of their poorer brethren. If any doubt existed on that subject, he would refer to those words of the order, which stated that an account thereof should be kept by the Comptroller of the Navy, which sums shall be hereafter applied in raising the half-pay of the pursers of his Majesty's navy. He was sure the object of the House was to do justice to the navy, and he hoped that the case of these men would not be overlooked. There was another class of persons, who were generally Secretaries to Admirals; and these men who held that important confidential situation, were treated in a most extraordinary way. It was stated, that they were noncombatants, although his own Secretary was seriously wounded in action, and the House was aware that Lord Nelson's Secretary had been killed under similar circumstances. It happened that Sir Thomas Usher was called upon to engage a very superior flotilla in the Gut of Gibraltar, to save his convoy. That gallant Officer did not consider the inferiority of his force, he looked to nothing but the safety of his convoy. In consequence of that inferiority, he ordered that every man in each ship, except the surgeon, should go to the guns. Among them was of course the purser, who received several severe wounds, and lost an eye. He got employment as a sort of compensation, but in consequence of the loss of his eye, it happened that he was run over by a carriage, which disabled him from employment, and obliged him to relinquish his situation. He (Sir E. Codrington) knew that that man was at the present moment in absolute distress, and literally starving; and he asked the House if it was fitting that such a man should be thrown upon the world without any pension, after having been disabled in the service of his country? Now, he had great doubts whether these cases could be reached by the commission for naval and military inquiry now sitting, and he intended to move for an enlargement of their powers, to enable them, if they so chose, to enter into the consideration of any other matter which might tend to the good of the service. They were good judges of what would tend to this, and he was sure, that they would not enter upon the consideration, unless they thought it would do good. Whilst on the subject of pensions, he must allude to the pensions of midshipmen. If there were two midshipmen, A. and B., and the one, after a gallant action, were suffering severely from a wound, and the other had not been wounded at all, there would be allotted to the first (A.) a pension for his wounds; but if for their gallantry, both were promoted, A. who had been wounded, would be deprived of his pension, and placed on the same footing as B. But why should a person who had earned a pension for services in the early period of his life, be afterwards, on promotion, deprived of his pension? He would not complain of the pension-list, but he thought that it would be the duty of any Government to take a per centage from the pensions on the list to supply the few that were required. He thought, therefore, that if the Admiralty came forward and stated these things to the House, they would have full liberty to carry out their designs. The subject was the cause of much discontent in the navy; parties were called upon to serve, and were puffed off for good conduct, but there were no pensions; he denied, therefore, that justice was done, or that the feelings of the country were in favour of the present system. With respect to himself, he defied any thing that might happen to him, in consequence of the line he took; he saw that injustice was done, and, therefore, nothing should deter him from doing his duty. He would also press upon the Government the necessity of sending ships to sea in a condition to do their duty, not only with credit to themselves, but also with safety and success. Officers ought not to be called upon to risk their lives unnecessarily or wantonly, and with that view the ships ought to be put into a condition for service without any unnecessary loss of time. In no case did a ship go into action well fitted, without suffering less comparative injury. An officer would carry his ship, if well fitted, into action, even against a superior force, with greater ease; there would be more dexterity, and a better understanding between the officers and men; it would be more easy to renew the action, or to go upon other service. For himself, before the battle of Navarino, and for his own credit's sake, he wrote to the Lord High Admiral, showing how the crews of the ships were comparatively divided, and how they were limited. He had shown that he had only nine and a half men to work each thirty-two pounder, where he ought to have had thirteen; and he would state boldly, that if he had to choose between five ships in the condition he would wish to see them, and as they ought to be, and eight others in an infeferior condition, he would rather take the five than the eight, and he knew that there would be less injury to those ships than with the larger number and the small complements. As in the army, the soldiers would fight better if well and closely formed, so, if they got ships well together, which they could not do if they were but half manned, they would do their duty with half the injury to the ships, and with twice the celerity. What was the use of a large vessel if they could not manage her? She would only run away with them. Upon that ground he intended to move, that, "with a due consideration to the exigencies of the State, it was important that all her Majesty's ships should have such a complement of men as would put them in a condition to meet any emergencies." With the opinions in the pamphlet which had been so often referred to last night, he fully agreed; he honoured the gallant Gentleman for putting them forth, and whether he now suffered for the statement of those opinions or not, he had done good service by giving them to the world. But what had provoked this pamphlet? Why, another publication, by another gentleman, the second Secretary of the Admiralty. Whether that publication had or had not the sanction of the Admiralty—though he understood that it was not sanctioned by the Admiralty—did not signify; it was published. He would not combat the statement about the number of ships in commission; yet he must say, that no officer of the Admiralty ought, when writing of a gentleman, to have used the terms which were contained in it. He called the "remarks" of a flag officer "disgraceful, impertinent, frivolous, and withal, mischievous; and in another place he designated them "springes to catch woodcocks;" and again he said, "the impudent assertion which follows, is enough to make the blood boil of every British officer and seaman." Was this fit language for the Secretary of the Admiralty to use? In the first place, also, he said, that the remarks could not be the production of a flag officer; and next he supposed that it did proceed from such a person; and then he hoped, that his "bit of bunting"—was that the way to speak of the national flag?—that "his bit of bunting may never fly at the mast-head of any of her Majesty's ships." But what the Secretary himself added, he would apply to him, and he would say emphatically, "let no such men be trusted." The Secretary said, further on, "there was a time when this flag-officer might have incurred some danger of suffering the penalty inflicted on the gallant Admiral Vernon, for a very similar, though a much less culpable proceeding." What had the Secretary to do with these parts of the subject. The statements in his pamphlet, as to the ships, might be correct; but was he, the Secretary, to hold out such a threat as this against any flag-officer? The Secretary next referred to the case of Captain Craufurd, who first went to sea under his (Sir E. Codrington's) auspices—whom he made a lieutenant early for his services—and who, besides being the son of one distinguished officer, was the brother of another, Sir Andrew Barnard, who had highly distinguished himself. He had thus started in the service with some personal grounds for consideration, and instead of idling away his time at home, as many other officers did, he took trips into different countries, and saw their navies. Among them he saw the Russian navy. This navy had been called a "pasteboard fleet;" but he had commanded a Russian fleet; he had been in action with them, and he thought that no man would find them a "pasteboard fleet," though they were held so cheap. The publication of Captain Craufurd was known at the Admiralty—it had done him great credit, and he believed that he had obtained employment in a sloop of war much earlier than he would have done, because of that letter. He deserved real credit for the information he had given—it was his duty to do it, and he had done it ably—he had done it openly, and he had done it with judgment; and if a man were allowed to write in this way, he would like to know what harm Captain Berkeley could have done, as he had done. Was it because the Secretary had 1,500*l.* a-year, and the young man only 150*l.*, that he acquired the superiority? But this gave him none in his (Sir Edward Codrington's) mind. He had never written statements himself in the papers; he had always stated in the House what he wished to make known. But the Secretary said, why were not these facts made known to his superiors? Why, Captain Craufurd did this; and if the information were kept back, as the Secretary implied, blame attached to the Admiralty. Why, two Sessions before Captain Craufurd wrote, he (Sir Edward Codrington) had said, that the Emperor of Russia had shown him his fleet; and he had told the House the real facts, though they were passed by unheeded. At all events, Captain Craufurd did but his duty in making his statements, and he had no right to be treated as he had been by this jack-in-office. It was said, that it would "be charitable to suppose that the young commander was really ignorant" of the real state of the navy, and the number of ships; and it was said, that "this silly opinion of a youthful commander may be taken for what it is worth, and no more;" and so he (Sir Edward Codrington) said of the Secretary's statement—it was to be taken for what it was worth, and no more. He recollected having read a book called "The Life of Lord Howe," a man whose life deserved to be written in a very different manner, one of the greatest admirals we had ever had, and who had rendered us as many services as almost any other; and when the Secretary of the Admiralty said, that "if young officers would take the trouble to read what their seniors and 'superiors' had seen and said," he doubted whether they would have gleaned much useful information. He had, in his notice, proceeded to call the attention of the House to the condition of the naval department—he had done so, and he would now move "That with due consideration of the exigencies of the State, it is important to the interests and honour of the country, that all her Majesty's ships in commission shall have such a complement of men as will render them efficient in any emergency; and hat an humble Address be presented to her Majesty praying that her Majesty will be graciously pleased to enlarge the powers of the naval and military commission now sitting, so as to embrace the subject of pensions, and every other subject which they think beneficial to the public service."

The Hon. *Grantly Berkeley* said, in rising to second the motion of the gallant Admiral, he must address a few words to the House which he trusted would not be deemed irrelevant. It had been shown by the hon. Member for Kilkenny, that the expenditure consequent on the present system of management in the navy was one of those by which the revenue was exceeded; therefore he would put it to the House whether some saving and benefit might not be achieved by lessening the number of ships at present in commission, and as they were all under their full complement of men, concentrating the crews, so as to render those vessels retained on service more effective in their duty. Undoubtedly, it might be very pleasant to the First Lord of the Admiralty by the larger number of ships to extend his own patronage; but individual ascendancy or the patronage of any board ought not to be considered when the honour of the British flag might be tarnished by the means with which that official power was upheld. It had been acknowledged by the hon. Member for Halifax (Mr. Wood) in his statement on the navy estimates, that for the last six months unceasing condemnation and public antipathy had attended every act of the Board of Admiralty. Now, if this had been the case, he desired no stronger proof of the fallacy of their proceedings than such public condemnation, for were all united in disapproval, it would be folly to suppose, that there was not something glaringly improper in the nature or effects of that administration. It had been asserted by some that in the event of a war breaking out it would be easy to increase the crews of the different vessels to their full complement of men; but how was this to be effected, under short notice, as regarded the ships on foreign service, in remote stations, and in distant ports, spread over the seas as our navy was known to be? What, were the British ships to skulk in port till rheir reinforcement of men arrived? Were they to be bearded by an insolent enemy at the harbour's mouth, dispirited and restrained by a sense of their own weakness? Depend upon it, weak in numbers, as they might be, a British man of war would never skulk from the presence of an enemy, and the present non-effectiveness of the crews would lead to a lamentable loss of life. The gallant Member for Sandwich (Sir T. Troubridge) seemed, during the debate of yesterday to take great umbrage, at a remark which had fallen from his (Mr. Berkeley's) relative, the Member for Bristol, and as it would grieve him much to suppose that the hon. and gallant Member, for whom he begged to say he had every respect, should for a moment labour under an appellation, from such a quarter, unjustly bestowed, he felt disposed to withdraw the simile of a wasp's nest, as he denied the sting, and to substitute, in lieu of it, the name of a nest of drones. For, certainly, in their manning of the navy, they were not sufficiently laborious. If, therefore, the hon. and gallant Member for Sandwich was better content with the latter appellation, he was welcome to the hive, and the first Lord of the Admiralty might reign the queen bee of it, if he pleased. The first Lord of the Admiralty, the Board, had not, as had been shown, the confidence of the country, and if as the letter to Captain Berkeley, which had been read to the House, stated, through his or their mismanagement, the British flag had suffered defeat, even in the furling of a sail, the first Lord of the Admiralty did not deserve that confidence. By the statement put forward by the Government it appeared that many of the suggestions made by Captain Berkeley, to whom he felt himself permitted to allude, from the remarks which had fallen from the gallant Admiral, had been and were about to be complied with. He trusted then that the rendering the coast guard fit for sea service would also not be forgotten. One instance more he would put to the House, as regarded his relative: suppose they were to reverse his (Captain Berkeley's) position on the late occasion of his pamphlet, that instead of Sir John Barrow's views coinciding with those entertained by the first Lord of the Admiralty, Captain Berkeley's had done so, and Sir John Barrow's had been in the contrary direction, would Captain Berkeley *then* have been removed from his situation? No, he would have retained his seat. Even now, he (Mr. Berkeley) congratulated Captain Berkeley on the result of the matter, for he had at least shown that he, as he (Mr. Berkeley) trusted every individual of his family, if placed in a similar situation, would show, that he would not tamely sit and see the maintenance of abuses without raising his voice against them; or suffer himself, while sitting as a judge, to be considered in the light of a mere puppet, to dance in blind obedience at the beck of his superior. The hon. Member concluded by stating his firm belief that the motion of the gallant Admiral was calculated, by drawing the attention of the country to existing abuses, to be of essential service.

Viscount *Howick* did not rise for the purpose of making any remarks upon the subject of the case of any officer, of the intention to refer to which no notice had been given, but he merely addressed the House as a member of the naval and military commission, and he begged to express his opinion that the duties which they had already to perform, were such as they could properly or conveniently get through. The appointment of that committee took place in consequence of an Address presented by this House; and their attention having been called to the situation of the different branches of her Majesty's service, their report would be given as early as possible. It was extremely improper, therefore, that they should be called upon to undertake the very general inquiry which was proposed, or that they should be called upon to consider every subject by which it might be thought that the public service would be benefited. If, indeed, such were to be required of them, he did not know when their labours would cease. He had already expressed the opinion which he entertained himself, and he thought that this statement would have still greater weight with the House when he said that he had the authority of the Duke of Wellington to say, that he also concurred in his views. The commission had met that morning, and he had taken the liberty to ask his Grace whether he might say that the subject-matters of inquiry already before the committee were sufficiently extended, and his Grace distinctly answered by expressing his decided opinion that the objects of the inquiry should not be extended. He trusted that these few words would be sufficient to satisfy the House that however this resolution might be disposed of, which was joined in a most extraordinary and singular manner with the motion for an Address, they would, at all events, refuse to accede to the latter proposition.

Sir *George Staunton*, as a friend of Sir John Barrow, to whom allusion had been made, begged to say, that that individual had been a servant of the country during thirty years, and that he thought, that the House would not consider, that they threw away any time which they might occupy in an inquiry into his case. Sir John Barrow did not publish his work in his capacity of Secretary to the Admiralty, and it must be taken therefore to contain his own individual opinions. In anything which Sir John Barrow said in that work, he was sure, that he did not wish to wound the feelings of any individual; but when charges were made by others, he thought, that he was justified in making such an answer as he could to them, and he was of opinion, that in what he had said he had done so satisfactorily, for in the statements made by the hon. Gentleman, the Secretary to the Admiralty, last night, there was a distinct confirmation of what Sir John Barrow stated.

Captain *Pechell* did not mean to enter at all into the question between Sir John Barrow and the Admiralty, but he must express his extreme satisfaction at the manner in which the hon. Gentleman, the Secretary to the Admiralty, had performed his duty last night. He did so in the most effective manner, and he should have been glad to have had an opportunity of stating on the spot that tribute to which he considered the hon. Gentleman was entitled. Although he agreed in some of the facts which he had stated, he must at the same time say, that he had some difficulty in agreeing with the hon. Gentleman in some of his points. He regretted, that the noble Viscount, the Secretary at War, had said, that it was not the intention of the commission to take into its consideration all these matters; but he felt still greater pain when he heard, that the same opinion was entertained by his Grace the Duke of Wellington. He must concur with the gallant Admiral in what he had said, and he must express his belief, that the officers of the navy were not placed in that position to which they were entitled. The peerage was not open to them, and there was not one of them who had arrived at those honours which he was sure the country would be glad to see showered upon them. In the late installation of the Order of the Bath only four naval officers received the appointment; and the same system was observed in the selection of the governors of the various colonies. Let the House look to France and see how the Government of that country acted. It had appointed many of the naval officers to such situations, and he begged to inquire whether the consulships of Calais, of Boulogne, and of Bordeaux might not very well be filled by such persons? It would be very proper, besides, that the pages of her Majesty should be introduced into the navy as well as the army, and that a commission should be offered to one of them for the former service in the course of every year. With respect to the pensions, he hoped, that the Government would well consider the position of naval officers. At present pensions which had been granted for good services were taken from the officers on their being appointed to any situation, even though the appointment should be to a vessel in the navy. He differed from the hon. Secretary as to the opinions which he had expressed in reference to the manning of the navy, and as to the justification which he had given of the Admiralty in not increasing the complement of men to each vessel. It was said, that the complement in peace was equal to that which was given in war, but if in peace it were found necessary to detach some of the crew with the prizes taken, and the remainder were found insufficient, it was clear, that the complement was not great enough. The vessels on the coasts of Africa were called upon frequently to perform very important services in the cases of slave vessels or of piratical vessels appearing in sight, and they were, of course, compelled to send away a part of their crews on their capturing the enemy; but it was found, that the number of men then left in the vessel was insufficient for its purposes, and was in consequence compelled to accompany the prize into port, thus leaving the cruizing ground open. An instance had occurred within his own experience which showed the importance of vessels being sufficiently manned. He was the commander of a vessel on the West-India station, which was called a Jackass frigate, or a Donkey frigate, which was a ship of that class that could neither fight nor run, and on one occasion, after very great difficulty, and with considerable fatigue, he managed to bring her alongside of a piratical vessel; and although the latter had only ten guns, her complement of men far exceeded the number which were under his command. The consequence was, that in shifting the prisoners they laboured under considerable difficulties in compelling them to keep order, and he was after all obliged to accompany his prize into port. He did not blame the present Admiralty for this, but the system; he must do honour to the gallant Officer for his expressions and exertions on this subject; and he fully agreed with the gallant Admiral as to the necessity of sending ships to sea in a state of efficiency; and he did hope, that the House would support the Admiralty in their endeavours to remedy the defects which existed on this subject. The gallant Admiral had admitted, that great injustice had been done to the midshipmen, and he rejoiced, that they possessed so good an advocate. According to the return which had been made, they were paid 1*s.* 8*d.* per day, which amounted to 30*l.* 6*s.* 8*d.* per year. It appeared, that the pay and emoluments of the whole number employed amounted to less by 200*l.* than the sum required for the remuneration of the Lords of the Admiralty. He did not say, that the latter had too much pay, or that they did not care what the former received; but he contended, that the sum expended upon the large number of midshipmen employed was small in comparison with that required for the Lords of the Admiralty. The case of the midshipmen was peculiarly hard with respect to pension. The gallant Admiral had drawn the attention of the House to the case of a midshipman who, in consequence of an accident on board a steam vessel lost his leg, and had been, in consequence, allowed a pension of 60*l.* a-year; but when this officer had received an appointment to a guardship, this pension had been stopped. the gallant Admiral had, consequently recommended him to promotion, and had in consequence remedied the injustice. He should not now go more particularly into any topics which had been alluded to, but he should reserve any further observations which he might have to make until a future opportunity.

Captain *Gordon* thought, that this subject was one which it was extremly fit that the Admiralty should consider. The gallant Admiral had spoken at very considerable length upon the subject, and he certainly should not attempt to follow him in the topics to which he had referred. He had so mixed up the questions before the House, however, that he was somewhat at a loss to know how it was possible to give a distinct vote upon the subject. He agreed, that if some inquiry were made into the rate and rule of granting pensions, very considerable benefit would accrue. There were different pensions for the army and navy, and he thought, that the commission was a fit tribunal to take them into consideration. The question of the armament of ships was one of very great importance, and it was one on which differences of opinion existed, and might very fairly exist. He should not now venture to give any opinion upon that subject, or upon any other of the numerous topics which had been touched upon; but he should be ready, on the discussion of the estimates, to give his opinion upon them, so far as he felt competent. With respect to the present motion, all its object was to procure an address to be presented to her Majesty, he could not support it, and he should therefore decline giving his vote to the gallant Admiral.

Viscount *Ingestrie* only rose to express his concurrence in the opinions of the gallant Admiral with respect to the propriety of an inquiry into those matters in which the navy were interested, and especially pensions, and he hoped that because it was said, that the commission could not undertake the investigation, there would be no reason given why the matter should not be referred to the Board of Admiralty.

Sir *Charles Adam* said, that, with respect to the observation made by the noble Viscount (Viscount Howick) on the subject of the commission, he might state at once that the most complete inquiry had been made into the several means of promotion and retirement of officers of the army and navy. As to any further duties being placed upon that commission, he was gratified to hear the opinion expressed by the noble Viscount, backed as it was by that of his Grace, the Duke of Wellington, and he believed, that no further inquiry was necessary to carry the desired object into effect. With regard to many of the topics alluded to by the hon. and gallant Member for Devonport, he conceived that their further consideration had much better be postponed until to-morrow, when the whole subject would again be under discussion. But, at the same time, he conceived that as the commission had not yet published its report, it would be premature to enter into the inquiry which was proposed at all. As to the peace complements, to which allusion had been made, he thought it was requisite to keep up a sufficient number of men for the protection of commerce, and also for the carrying into effect any treaty which might be entered into. It had been said, "Let there be fewer ships and more men;" but he said, "Have as many ships as can be properly managed." The system which had been adopted having given very general satisfaction to the country, he could only regret that anything should have occurred which should have justified Captain Berkeley in putting before the public that pamphlet which he had written, the effect of which was his retirement from the Board. He sincerely regretted that that should have been the result of the publication of the pamphlet, for there was no man who sat at the Board who performed his duties better or more ably. But at the same time he could not stand there and admit that the statements contained in that pamphlet were true. With regard to the complaint made by the hon. Member for Brighton that members of the naval profession were not advanced to office, he begged to state, that it was made without much foundation, for there were at present several examples of naval officers being employed in situations of great importance and responsibility.

Mr. *Hume* protested against any further pensions being granted, although he concurred with the hon. and Gallant Admiral, Sir E. Codrington, that a great many persons received pensions disproportioned to their services, while there were many persons in the army and navy who did not receive adequate remuneration. In the returns of the last year, it would be found that upwards of 11,000,000*l.* was paid for the services, effective and non-effective, of those in the army and navy. 7,158,000*l.* was paid for the whole efficient service of the army and navy, while 4,114,000*l.* was paid for pensions. That was a singular fact. He considered that the whole question of pensions required revision. There were too many who received pensions and did not deserve them. The House of Commons last night was in a very extraordinary state. Talk of Tory Houses—talk of unreformed Houses—he had never witnessed such symptoms of extravagance in all his life as were manifested last night. Ever since he had been in the House, it had been his good fortune or rather his bad fortune to attack the public departments for having the estimates too large, but last night the Minister was put on his defence because the estimates were not higher. That was quite a novelty. He had never expected to hear it said, "we have never made any reduction, we have gone on increasing year after year," and the House, will it be believed, was in raptures with that statement. After that he would say no more.

Sir *E. Codrington* in reply, only asked for pensions for those who had been severely wounded, and who were entitled to them for their services. A complaint had been made that he had not brought this subject on when the estimates were moved, but he begged leave to say he would grasp every opportunity for advocating the cause of the navy—it was a duty he had prescribed to himself, and he was determined to pursue it. He felt justified in having called the attention of the House to the subject on the present occasion. Although he never wished to go into battle again, yet he would be glad to do so if he could take all the Ministers with him, and he should also like to have the hon. Member for Kilkenny. They would then, perhaps, alter their tone, and would say that seamen were very ill paid. It was all very well for men to sit in that House and to say that pensions ought not to be granted. He agreed that pensions ought not to be given to men who had large stipends, but pensions ought to be given to those who fought for their country, and who deserved them. With regard to the two publications that had been alluded to, it ought to be recollected that Captain Berkeley's pamphlet was consequent upon Sir John Barrow's. He thought Captain Berkeley was perfectly justified in having put forth those opinions. Capt. Berkeley was an excellent officer, and made an excellent member of the Admiralty, and he was sorry that the Admiralty had been deprived of his services.

Motion negatived.

Turnpike Trusts.] Mr. *Mackinnon* would detain the House but a very short time in bringing forward the motion of which he had given notice. He wished this measure had been taken up by the Government, or by the hon. Member for Hants (Mr. S. Lefevre). In 1836, in a committee, of which he had the honour of being Chairman, and after investigating the matter as far as possible, they felt compelled to come to the same determination as the committee of the House of Lords. His object was to obtain a select committee for the purpose of taking into consideration the best means, in the first place, of consolidating the various turnpike trusts throughout Great Britain, which had been recommended by committees of both Houses. His next object was, to ascertain in what manner the 8,000,000*l*. of debt now owing by those trusts could be liquidated. It was perfectly clear, that the establishment of railroads throughout the country would not only increase that debt, but render the security on different lines of road perfectly nugatory. The money had been advanced, not by wealthy parties, not even by the middle classes, but by persons whose all had been advanced for the security of the tolls, which now, by the establishment of railroads by this House, had been utterly done away with. The evidence taken in 1836 went to show, that in all the lines of road which had run parallel with the railroad, the tolls were lessened in a most unparalleled degree. Railroads were essentially a monopoly—they must become the carriers of both goods and passengers along the whole line on which they went, and it was essentially necessary that the Legislature which had given existence to those monopolies should, by some system of legislation prevent the evils attendant thereon. He imputed no blame to her Majesty's Ministers, nor to any one—the Legislature was in fault. He thought that when it allowed railroads to be established, it had been guilty of a great oversight in not laying down such a code of law for them as would have prevented the companies which had the management of them from converting the monopoly of conveyance which was thereby granted to them from becoming injurious to the public. He would not call upon the House to lay down such a code for the railroads already in existence, for he was not inclined to make *ex post facto* laws, but he called upon it to join with him in considering how far such a code could be framed for the better governance of those railroads for which bills might be brought in hereafter. He did not find fault with railroads; on the contrary, he was a great friend to them, and had always supported them in that House, but, at the same time, while they conferred a lasting benefit upon the country, care ought to be taken that individuals should not be deprived of that security upon which they had advanced their money, viz., public tolls. They were good property at the time the money was advanced, and the security had been done away with by the Acts of the Legislature. It was for her Majesty's Government to do as they thought fit on this subject; all that he (Mr. Mackinnon) was anxious for was, that justice should be done. The hon. Member concluded by moving for a Select Committee to examine into the subject.

Mr. *F. Maule* said, he thought the only ground which the hon. Member had made out for a committee, was to inquire into the effect of railroads in deteriorating the securities on public roads. With respect to consolidation, there had been in both Houses committees *ad nauseam*. Twice had the Government brought forward measures for consolidation, and offered to advance the requisite securities; but the influence of those interested in the present system had prevailed with Members opposite to defeat those propositions. At the present period no Government could be expected to advance the public funds on securities so much deteriorated. If the hon. Member would alter his motion, and confine it to the effect of railroads on the public roads, he (Mr. F. Maule) would agree to it.

Mr. *Mackinnon* consented to that alteration.

Sir *George Strickland* said, the hon. Member had clearly enough exposed the evil; but he had not found a remedy.—As to the deterioration of the securities on the public tolls on turnpike roads by railroads, the results of the railroads were not at present clearly known.—For instance, in the case of the post-horse duty, which it was expected would have been quite annihilated by the railroads, the speech of the Chancellor of the Exchequer, the other night, had shown that this expectation was mistaken. And from the proposition of the Secretary for Ireland, as to Irish railways, it was doubtful what measures were to be taken by Government in respect to railways in general.

Mr. *Warburton* thought the committee, as now proposed, would be premature, as it would have, if appointed, not to inquire into facts which had taken place, but to exercise the gift of prophecy. There was but one great line of railroad yet completed, viz., that from London to Liverpool, and surely it would be better to wait five or six years to ascertain what would be the result of the railways at present in progress of formation before any step was taken.

Mr. *Mackinnon* did not think the hon. Member, the Under Secretary for the Home Department, had stated the case fairly. If the House adopted the suggestion of the hon. Member for Bridport, they would wait until much more mischief had been done, which it was the object of the committee he proposed to appoint, to avert. If the House granted that committee, clauses might be introduced in all future railway bills to prevent the mischief which was likely to take place. He would however withdraw the motion in conformity with the suggestion of the hon. Member opposite.

Motion withdrawn.

REGISTRATION OF VOTERS (IRELAND.)] Mr. *Smith O'Brien* moved for leave to bring in a bill for the better registration of voters in Ireland. It was only necessary to refer to the proceedings which had taken place in Election Committees to convince the House of the necessity of the measure. In 1835 a Bill to the same effect had been brought in by the present Master of the Rolls in Ireland, which had received the sanction of that House. In 1836 a similar bill had been brought in by the Government, which was not prosecuted. Seeing that the Government had no intention to bring in a bill on this subject in the present Session, he had taken the liberty to bring forward the present measure, which he hoped would receive the sanction of the House. The leading features of the bill were to give the utmost possible facility to *bona fide* voters, who were anxious to register. He proposed also to bring the registry into the immediate neighbourhood of the voter, so as to put him to as little trouble or expense as possible. He proposed, that the registration should be annual; and to prevent frivolous or vexatious objections being raised, he proposed that the parties objecting should have the *onus probandi* thrown upon them; and, in all cases where the objections were not sustained, the party objected to would be entitled to costs. He proposed that the Revising Barristers should be the present Assistant Barristers, as was provided in the bill of last year. It was his opinion that these Barristers should be provided, and paid by the Crown; but finding that measure would be objectionable to the other side of the House, he had given up his own opinion and omitted that clause. The bill also gave a power of appeal on both sides, and he thought he was justified in providing that with these securities the registry should be final. The other bill which he had introduced was one to regulate the polling at elections in Ireland. He would propose, that the poll should be regulated in a manner similar to that adopted in the English boroughs and counties, and should not extend beyond one day; but if it should be deemed advisable not to adopt this arrangement, he would not particularly press it; under these circumstances, he trusted he should be permitted to lay the bill before the House.

Viscount *Morpeth* said, that understanding the bill of his hon. Friend is intended to carry out the Reform Bill, and not to contravene it, he should not oppose the present motion, and if the bill turned out to be such as to meet the approbation of both sides of the House, he should be very glad of it, although he did not give credit even to his hon. Friend for being able to bring forward a measure which should please all parties.

Mr. *Goring* would be glad if the time of polling was shortened, but, at the same time, the number of polling places ought to be increased. He believed, the Liberal party in Ireland were against giving each member of the constituency an opportunity of voting without being intimidated by the mob. He would appeal to the hon. Member for Tipperary whether the voters in that county had not frequently to travel upwards of eighty miles to Clonmel to record their votes. He would ask the hon. Gentleman whether it was his intention to introduce a clause appointing a polling place in each Barony, as it was useless to facilitate the acquisition of the franchise, unless the exercise of it was facilitated also.

Mr. *Hume* was sure, that if the hon. Gentleman had read the report respecting the number of polling places in England, he would not have asked the question. His hon. Friend could have no objection, and he (Mr. Hume) should wish to see the number of polling places so increased, that each voter would not have more than five miles to travel, and this he thought he might walk without putting the candidates to any expense—with regard to intimidation, he did not know whether the hon. Gentleman voted for the ballot, but the ballot was the proper remedy for intimidation. He would contend, that it was so—that improved registration, an increased number of polling places, and vote by ballot, were the proper remedies for diminishing the expenses of election and preventing intimidation.

Colonel *Perceval* hoped, that in any bill regulating the registration in Ireland, an appeal would be given both ways? for at present if the Assistant Barrister chose to grant the franchise there was no appeal from his decision, and hence there were many on the registry who had no right to be there. At present the register was regulated only once in eight years, and many who had been placed on the register in 1832 remained there yet, although their leases had expired—many men in this situation had produced their register dated in 1832 at the last Sligo election and had polled against him. He would appeal to the noble Lord, the Secretary for Foreign Affairs, whether he was not cognizant of the fact, that certain voters on his estate whose leases had expired by the death of William 4th, had, at the last election, sworn they were still in possession of their freeholds, and had polled against him. He trusted the hon. Member would introduce a clause for getting rid of fictitious votes from the register; and he would follow the example of the noble Lord opposite, and not oppose his bringing in the bill.

Sir *R. Bateson* regretted, that the taking the polls in counties in one day, was not made a substantial part of the bill. That was the greatest defect in the Irish system. It was the cause of enormous expense, and of every species of demoralization and corruption. The evils under which they laboured were so notorious, that it was almost unnecessary to mention them. In counties, it was necessary to take a great body of electors forty, fifty, or even sixty miles to the place of polling. Suppose an election occurred in the depth of winter, and hundreds of people had to be taken over a mountainous country, the expense incurred was enormous, independent of keeping them three or four days in the county town, during which time, they might be assailed by the opposite party, and subjected to every species of corruption, bribery, and intimidation. If the poll was taken, as in this country, which was a great benefit conferred by the Reform Bill, the electors might come up in their own neighbourhood and poll, and return home at night. There would be an end of all pretence for the necessity of treating. It would also do away with the great cause of riot and intimidation, for the result of the election would not be known. It would be the greatest blessing that could be conferred on Ireland, to assimilate the taking of the poll to that of England. With regard to the registration there was no law which needed more revision, and he regretted to find, that the hon. Member wished to keep the really beneficial part of the measure in the background.—Leave given.

INNKEEPERS.] Captain *Pechell* on behalf of a very numerous, respectable, and deserving class of society, asked the House to give him leave to bring in a bill to relieve them from some of their liabilities. The innkeepers had patiently waited for the interference of the Legislature. The innkeepers of this time were a very different class of persons to what they formerly were, and the same excuse for imposing liabilities on them as in former days, did not apply now. Innkeepers were liable to make restitution for the loss of any goods in their house, but it was not fair that they should be liable for the loss of money. In the case of Kent v. Shuckhard, it had been laid down by Lord Tenterden that no distinction could be made between money and goods, and that an innkeeper must be considered in the light of a common carrier. He would instance the case of a "respectable gentleman" who made his appearance at one of the hotels in Brighton, ordered his supper, and went to bed. The next morning he rung his bell, and ordered the servant to brush his cloak. The cloak was brought back to him, he went down to the coffee-room, ordered his breakfast, called for the landlord, and told him that he had lost 80*l.* in his house—that no person had had access to his room but the servant who came up to take his cloak, and that he insisted upon having some compensation. After a great deal of remonstrance, the landlord agreed to give 40*l.* A few years afterwards conscience smote this gentleman.—He inclosed the sum of 40*l.* to the innkeeper, with compound interest thereon, stating that he had been driven by adverse circumstances to do the act—that he had twisted and tormented his imagination, in order to devise the means of raising the wind. He would give another instance—a few years after, a gentleman, a lady, and their daughter, took up their residence at the Old Ship in Brighton—the following morning after they arrived, the lady and daughter took a walk, as he hoped all hon. Members would do when they visited that place—they went purchasing throughout the town as he hoped hon. Members would also do—and on their return, the lady declared that she had lost 60*l.* out of her *reticule.* The landlord felt himself in a bad mess—the lady said, that if she had not lost it in the town she must have lost it in the house—the reticule was found, but no money in it, and the landlord being sued, determined that upon this occasion he would resist; the trial came on before Lord Tenterden; and the verdict passed against him for 50*l.*; a nonsuit was entered, on the ground that money being carried about the person was not under the care of the landlord. A second trial was had, and the landlord was again defeated; that was before the Legislature had altered the law with respect to carriers: that law had now been altered, and therefore he came before the House, with a good grace, to ask that the innkeeper should be relieved, because he could not like a carrier, refuse to receive either a guest or his luggage. All that he wanted was, to restrict the liability of the landlord to 10*l.*, unless the guest gave his money or goods into the keeping of the landlord. It was to be recollected, that money was an invisible article. He hoped that the House would allow him to bring in the bill, so that it should be brought under the notice of the country, and he promised that he would not press the second reading before Easter.

The *Attorney-General* did not think the time of the House had been very well occupied, notwithstanding the very amusing anecdotes the hon. Member had given. The hon. Member himself utterly abandoned the principle he set out on, because he allowed, that innkeepers were to be liable for all goods in their care. Why? Because there was a liability cast on them by law and necessity; the danger was so great for fraudulent collusion between an innkeeper and his servants, that the traveller would have no security without this responsibility. But the hon. and gallant Captain said, the character of innkeepers were so marvellously improved that they might now trust them with anything. Was that since the last Session of Parliament? It was a very rapid improvement. There had been last Session an almost unanimous determination not to alter the law; but now there had been such a complete and sudden improvement in the characters of innkeepers, that they might trust entirely to their honour. The hon. Member advocated responsibility of innkeepers as to goods, but not as to money. If it were confined to invisible money, he could have no objection, provided it were shown to the innkeeper. He (the Attorney-General) would extend the responsibility to the purses of travellers. He thought it very hard that a traveller going on his journey, with the greater part of his property in his purse, should be liable to have that property stolen from him while under the roof of the landlord, very probably by the servant, while he was asleep.

He thought that there ought to be no distinction whatever between invisible money and visible goods. He should, therefore, oppose the bringing in of this bill.

Mr. *Darby* had voted against the bill of the hon. and gallant Member the previous Session, but upon that occasion he had said, that if the bill was modified it might have his support. The present bill of the hon. Member was a very different one from that of last year, and therefore he thought the taunts which the hon. and gallant Member had thrown out against hon. Members for dividing against him was not justified. He thought no good could arise from the Bill. According to the law at present, if any person committed perjury, and supported their case by perjury, they recovered, and so they would under the bill of the hon. Member. He (Mr. Darby) doubted if an innkeeper, when he gave notice that he would not be responsible for 100*l.*, unless placed in his custody, would be liable for such a sum—As to an innkeeper allowing himself to be frightened by the threat of a prosecution, to the paying money which had never been brought into his House, that was a kind of intimidation to which any man was liable, if he chose to submit to it.

Mr. *M. Phillips* said, the hon. and gallant Member who had brought forward this motion had often distinguished himself by local legislation, and if he would confine the bill to the town of Brighton he would not oppose it.—But being anxious to protect the commercial interests, with which he was more immediately connected, he must say, that he believed this bill would sap the very foundations of security for travellers: and that it was much better, both for commercial travellers and for innkeepers, that the law should remain as it was now.

The House divided—Ayes 20; Noes 156: Majority 136.

List of the AYES.

Aglionby, H. A.
Blandford, Marquess
Brocklehurst, J.
Collins, W.
Divett, E.
Dundas, C. W. D.
Goring, H. D.
Humphrey, J.
Lascelles, hon. W. S.
O'Connell, M.
Paget, F.
Protheroe, E.
Pryme, G.
Redington, T. N.
Salwey, Colonel
Turner, E.
Wakley, T.
Walker, R.
Worsley, Lord
Yates, J. A.

TELLERS.

Pechell, Captain
Darby, G.

List of the NOES.

Abercrombie, hn. G. R.
Aglionby, Major
Ainsworth, P.
Alsager, Captain
Alston, R.
Archbold, R.
Archdall, M.
Bagge, W.
Bailey, J. jun.
Baines, E.
Barrington, Viscount
Bateson, Sir R.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bewes, T.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Bodkin, J. J.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Bryan, G.
Busfield, W.
Campbell, Sir J.
Chute, W. L. W.
Clive, E. B.
Clive, hon. R. H.
Courtenay, P.
Crawley, S.
Crompton, Sir S.
Curry, W.
Dick, Q.
Duncombe, hon. A.
Du Pre, G.
Egerton, W. T.
Estcourt, T.
Etwall, R.
Evans, W.
Fector, J. M.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fort, J.
Gaskell, J. M.
Glynn, Sir S. R.
Gordon, R.
Grant, F. W.
Grattan, H.
Halford, H.
Hall, Sir B.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hepburn, Sir T. B.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, r. h. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hope, hon. C.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Hume, J.
James, Sir W. C.
Jervis, S.
Jones, J.
Kemble, H.
Kinnaird, hon. A. F.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Leader, J. T.
Lefroy, rt. hn. T.
Lemon, Sir C.
Liddell, hon. H. T.
Lushington, C.
Lushington, rt. hn. S.
Lygon, hon. General
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Maher, J.
Marshall, W.
Marshall, T. W.
Maule, hon. F.
Maxwell, hon. S. R.
Miles, P. W. S.
Moneypenny, T. G.
Mordaunt, Sir J.
Morris, D.
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferral, M.
O'Neil, hon. J. B. R.
Paget, Lord A.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Perceval, Colonel
Perceval, hn. G. J.
Philips, G. R.
Phillpots, J.
Pigot, D. R.
Plumptre, J. P.
Praed, W. T.
Rice, E. R.
Rice, rt. hn. T. S.
Richards, R.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Rushout, G.
Russell, Lord J.
Sanford, E. A.
Scarlett, hon. J. Y.
Seale, Sir J. H.
Sheil, R. L.
Shirley, E. J.
Smith, B.
Smith, R. V.
Smyth, Sir G. H.

Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir J. T.
Steuart, R.
Stewart, J.
Stock, Dr.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Thomson, rt. hn. C.P.
Thorneley, T.
Thornhill, G.
Vivian, J. E.
Waddington, H. S.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Williams, R.
Winnington, T. E.
Winnington, H. J.
Young, Sir W.

TELLERS.
Seymour, Lord
Philips, M.

First Fruits and Tenths.] Mr. *Baines* said, that it was his intention to have brought under the consideration of the House the propriety of going into a Committee of the whole House, for the purpose of ascertaining how far the First Fruits and Tenths of the Church might be made available to the augmentation of the maintenance of the livings of the poor clergy. But his noble Friend, the Secretary of State for the Home Department having, since his notice was entered on the books, intimated his intention of appropriating 130,000*l.* a-year, under the Ecclesiastical Revenues Bill, from the cathedral revenues to that purpose, he rose to postpone his motion till he could ascertain more fully how this relief was to be afforded; and whether, under the altered circumstances, it might be necessary to make any modification in the plan that he had for three successive Sessions brought under the consideration of the House, and which had the last year been sanctioned by the favour of a considerable majority. Before the Easter recess, the plan of the noble Lord would be more fully developed, and he should then determine upon the course that he should pursue with regard to his object of making the first fruits and tenths to be paid by the prelates and dignitaries of the Church, as well as by the more highly beneficed clergy conducive to the better maintenance of those who had so long suffered from an inadequate reward for their spiritual labours.

Motion withdrawn.

Port of Slito—Mission at Stockholm.] Mr. *M. Gibson* rose to move for a return of any dispatches, communications, and correspondence that have passed between the British mission at Stockholm and her Majesty's Minister for Foreign Affairs, during the years 1837 and 1838, relative to the port of Slito, in the island of Gottland. He had been disposed to postpone his motion, but seeing the noble Lord, the Secretary for Foreign Affairs in his place, who had probably come down for the purpose of answering any question he might put on this subject, he did not think it would be altogether courteous towards that noble Lord to defer it. He would, therefore, introduce the subject as briefly as possible. It was probably not known to many Members of the House, that the subject of the motion involved considerations affecting the commercial interests of this country, and more especially the Baltic trade. Hon. Members were aware of the geographical position of Gottland in the Baltic, at the entrance to the gulfs of Finland and Bothnia. All ships bound to the eastern coasts were obliged to pass it. The port of Slito, situated on the north-eastern coast, had considerable depth of water, with facilities of ingress and egress for vessels of any size. At the close of the year 1837 and during the year 1838, several petitions were presented to the Swedish government by the inhabitants of Gottland, and several other Swedes, and supported by British merchants in Sweden, praying the Swedish government to make Slito a free port. The question was submitted on different occasions to the Swedish government, and in the first instance they had shown a willingness to listen to the petitions, but subsequently after the interposition of the Russian minister they had evinced considerable supineness. At the time when these petitions were presented to the Swedish government, the British minister at Stockholm showed considerable indifference and apathy on the subject. Now, it would not be difficult to prove, that the greatest benefit must result to British interests, and particularly its shipping interest, from making Slito a free port. In the first place, the port of Slito was open six weeks earlier and six weeks later than any port in the gulf of Finland. A voyage, too, was made to Slito in a much shorter time. The rate of insurance was less, because the risk was much less. There would be these advantages to British interests in making Slito a free port. But it was stated, on the best authority, that while on the one hand the greatest activity and influence was exercised by the Russian minister to prevent the Swedish government from granting this concession, the greatest possible indifference and apathy had existed on the part of the British minister. During a considerable period, too, there was no consul and no minister at Stockholm. British interests there were intrusted to a chargé d'affaires, who was left in a forlorn condition. The late consul, Mr. Foy, died in 1837, and up to the present period, sixteen or seventeen months, he was not aware that any appointment to the vacancy had taken place. If there had been any appointment, it had not gone so far as to induce the individual to commence the duties of his station. But the fact, that sixteen or seventeen months had been allowed to elapse without appointing a consul, did at all events evince great indifference to the affairs of Sweden and Norway. It was true, that the absence of the British minister had been caused by a severe domestic infliction, but no minister had been appointed to take his place, and the chargé d'affaires was left alone, during the period that this important question was under the consideration of the Swedish government. He (Mr. Gibson) did not know on what ground his proposal could be objected to by the noble Lord, the Secretary for Foreign Affairs. But he had some suspicion that the noble Lord would object to it on the ground, perhaps, of its being inconvenient or injurious to the public service to produce papers. It was a very favourite ground under which a great deal of neglect often found shelter. Now, he should be guided as to the amount of credence, or perhaps not exactly credence, but the degree of trust he would place in the statements, by the way in which the noble Lord might make them. If he could state that the public interest would be seriously injured by the production of the papers—if it appeared that a *bonâ fide* negotiation was going on—not a mere red tape and fictitious negotiation to be pleaded as a reason for the non-production of papers—but a real *bonâ fide* negotiation going on with the Swedish authorities relative to making Slito a free port—then he would not divide the House upon his motion. But unless the noble Lord would say, that the production of the papers would be detrimental to the public service, or that a *bonâ fide* negotiation would be interrupted by it, he should feel it his duty to call on the noble Lord to explain what course the Government had taken for the protection of British interests when this important question was before the Swedish government. It appeared, that the Russian minister had been extremely active and influential in protecting the interests of Russia. But it might be said, that this was a question of internal arrangement for Sweden herself to decide. He admitted it; but he would ask the Chancellor of the Exchequer, or the noble Lord near him, what a diplomatic agent was for, if not to watch the effect of internal arrangements in other countries, and observe whether any of them were of a character to affect injuriously or beneficially the interests of their own country, that they might oppose or support them accordingly? But this country ought not to remain in a state of indifference upon this question as a matter of internal arrangements with which they had nothing to do. The Russian minister had actively endeavoured to prevent this concession, so advantageous to British interests, from being made by the Swedish government, which, if left alone, would have been willing to grant it. It was the duty of this Government to interfere for the protection of British interests, as Russia interfered for the protection of those of Russia. It might be said, indeed, that there had been no petitions on the subject—no pressure felt from British merchants. But how were British merchants to originate a question affecting the internal arrangements of another country? If the question were once taken up by the Minister of the country, and if there were an efficient consul to manage it on the spot—British merchants would then have legitimate sources through which to become acquainted with it. He had no wish to make a long set oration. He would conclude by repeating, that there was no doubt of the immense advantages to this country of making Slito a free port. It would open the Baltic trade, as he said, six weeks earlier and six weeks later. It would diminish the rate of insurance. It would prevent numerous wrecks, such as now took place on the coasts of Gottland and Finland. It would save British ships from several obnoxious regulations, and irksome and disagreeable rules which they were obliged to observe in going to the port of Cronstadt. The hon. Member concluded by moving, "That an humble Address be presented to her Majesty, praying her Majesty that she will give directions that there be laid before this House copies or extracts of any dispatches, communications, and correspondence that have passed between the British mission at Stockholm and her Majesty's Minister for Foreign Affairs, during the years 1837 and 1838, relative to the port of Slito, in the island of Gottland."

Viscount *Palmerston* said, it appeared to him that the general practice of that House was, that a Member who proposed to call for papers should show sufficient parliamentary grounds for the motion he made. It did not appear to him that the hon. Gentleman had laid any such ground for the present motion. The hon. Gentleman had expatiated on the advantages which he conceived English commerce would derive from the establishment of Slito as a free port. That point he was not at all disposed to contest with the hon. Gentleman. There was no doubt that it would be advantageous to our commerce if Slito were made a free port. He was quite sure that it would be advantageous to our commerce if as many free ports as possible were established in all foreign countries. On that point there was no question between him and the hon. Gentleman. But the point that he did contest with the hon. Gentleman was, that this House or the English Government had not any business to meddle with the internal affairs of the government of Sweden. The question whether Slito was to be, or was not to be a free port, belonged to the government of Sweden to determine. If the Russian government had interfered, and if they had attempted to induce the Swedish government to refuse this concession, it had done what was exceedingly improper. He could assure the hon. Gentleman that he did not consider himself at liberty to take any active steps with a view to influence the government of Sweden in the matter to which he had alluded. Therefore, the return to his motion, if the House should agree to it, would simply be a statement from the *chargé d'affaires* or minister of Sweden mentioning the fact, that a certain number of Swedish merchants had applied to the government of Sweden to make Slito a free port, and that the Swedish government had, and still has, the subject under consideration. The hon. Member had stated that there was, on the part of the Government, great indifference to British interests connected with Sweden; and he had mentioned as a proof of it, that during a certain time the *chargé d'affaires* had been left alone at Stockholm and the office of consul had not been filled up. With regard to the first point, he who seemed to have bestowed a good deal of his attention on continental affairs might have known that nothing was more common in all countries and on all missions than that the minister should, from time to time, have leave of absence, and that during his absence his duties should be performed by a *chargé d'affaires*, or by the secretary to the mission or the embassy. This certainly proved no indifference on the part of the Government to the interests of the country. It was but the ordinary course of things, and it often happened that the business was as well done by the *chargé d'affaires* as by the minister himself. [*Laughter*]. Yes, there were many able men who were *chargé d'affaires*. Hon. Gentlemen, opposite, at all events, could say nothing against the individual who held that position at Stockholm. However the office might be laughed at, they could cast no sneer at the able Gentleman who was discharging his duties there. With regard to the consulship, it was perfectly true that no person had been appointed consul, but no neglect of the duties of the offices had taken place, for there was a person at present acting as consul to the satisfaction of the *chargé d'affaires* and of the Government. His answer, therefore, to the hon. Gentleman was, that this was a matter that concerned the government of Sweden, and it did not appear to him that the British Government, and still less that the British House of Commons had any occasion to interfere with matters purely domestic on the part of the Swedish government. If the hon. Gentleman should persist in his motion, he would be disposed to propose as an amendment that they should inquire as to what steps had been taken by the Swedish Diet relative to making docks at Southampton, or the management of the dockyards at Portsmouth and Plymouth. The Diet had just as much right to interfere in such matters as we had relative to making Slito a free port. He should certainly resist the motion of the hon. Gentleman. If carried it could obtain nothing more than simply a report from the *chargé d'affaires*, or minister at Stockholm, that a certain application was made to the Swedish government, and that that government was proceeding to deliberate on the application in reference to the interests and convenience of Sweden herself.

Mr. *Grote* said, that the question before the House was one of considerable importance to a most respectable body of his constituents connected with the Baltic trade; and though they had not petitioned the House on the subject, they could show that the statement of the hon. Member for Ipswich was fully borne out by the facts. It could be shown, that much property was destroyed, and many lives lost by the wreck of vessels trading to the Baltic, and that similar losses would be prevented if the port of Slito were declared a free port. It was therefore of great importance to our Baltic trade to have access to that as a free port; and he regretted to see, that the Government did not exert itself more actively in the promotion of that object. The noble Lord had said, that it was a matter solely for the consideration of the Swedish Government, and that we had no right to interfere in it. It was no doubt a question between merchants of Sweden and their own Government; but it was one in which British interests were greatly concerned, and therefore a matter in which the good offices and friendly interposition of our Government might well be applied. One thing which was not denied by the noble Lord was, that Russian influence was actively employed to prevent the Swedish Government from acceding to the petition of some of its own subjects to have the port of Slito declared free; that being so, he thought that to counteract that influence would be a legitimate object of British diplomacy. If it appeared that Russian influence had been active in this respect, and that the British Minister was required to counteract that influence, he had neglected his duty. He would support the motion, because he thought a case had been made out for the production of the papers in question, and that it was one which greatly affected the interests of British commerce, as well as the preservation of life. If the Swedish Government had not been forward in this matter, it was more from Russian influence than from any want on their part to comply with what was wished for, which was the opinion of many of the English merchants at Stockholm.

Mr. *Hawes* said, that the hon. Member for Ipswich had, in the course of his speech, spoke of the absence of a British Minister from Stockholm; but, the noble Lord had said in reply, that this arose from accident, was of no importance, and that there had been no complaint made about it. Now, he must say, that representations on the part of the British merchants had been brought under the notice of the Foreign-office as to the appointment of a consul at Stockholm; for fifteen months ago he had himself laid such papers before the noble Lord, who fully agreed with him in the necessity of such appointment, and never had he had the honour of presenting to the Government, papers so numerously or respectably signed. He understood, that such an appointment had been made, but that it was afterwards cancelled. No doubt the noble Lord had some good reason for this, but application was again made to the noble Lord by memorial, and an individual was recommended for the office, but the noble Lord from that moment to the present time had taken no notice whatever of it, and the appointment had not taken place. He must say, that when a large number of the merchants of London did come before the noble Lord, and laid their case before him, stating their interests in the question, it was most desirable that the foreign department should condescend to pay some attention to their statement. The hon. Member for the city of London had said, that he was deeply hurt at no attention having been paid by the Government to this subject, but the noble Lord had said, that he believed, during the absence of the Minister, the duties of his office had been discharged in the most satisfactory manner. But, in his opinion, the statement of the hon. Member was not met by the noble Lord; and if he could not give a more satisfactory answer, he must support the motion for the hon. Member for Ipswich.

Viscount *Palmerston* said it was perfectly true, as his hon. Friend had stated, that he did press the appointment of a particular individual as consul at Stockholm some months ago, and it was also perfectly true, that for certain reasons he had thought it his duty not to appoint that person; but his hon. Friend was mistaken if he thought that the appointment was still vacant for there was an individual performing the duties of that situation as well as the individual whom his hon. Friend had named, would have done.

Mr. *Hume* said, it appeared, that the noble Lord either did not, or would not, understand what he was about. He only stated the opinions of some of our British merchants, and they certainly did think, that the British commercial interests had been neglected in the quarter referred to. If our Minister was not there, he ought to have been there, and, if he were not necessary there, why then remove him, and save his salary. His hon. Friends had stated, the strong opinions there were in the commercial world, that our affairs in Sweden were not attended to, as if there were a resident Minister, and that a mission would not satisfy the people of England; and he thought, that when it was found, that both Swedish and British interests were contending for the same point, as it was the interest of Russia to prevent England having any hold in that country, that the English interests could not be attended to, when there was no proper officer there. The motion was, in his opinion, a very fit one; but when the noble Lord stated, that the hon. Gentleman had directed great attention to continental affairs, which was very much to the credit of the hon. Member, for he had been to Sweden, where the noble Lord had never been, and, therefore, understood this subject; he wished the noble Lord was on the Continent, and he should like to see those who were sent abroad, more alive to the interests of their country; for three-fourths of those who were sent, did not attend to their duty. He thought, that the noble Lord had not given a full answer to the case which had been so ably stated by the hon. Member, or to the neglect with which the Government had been charged in this instance.

Mr. *P. Thomson* would be happy to meet the hon. Member for Kilkenny on both his points, either as to the neglect of British Ministers generally at foreign courts, or as to the neglect of the Ministers at Stockholm. He would confine himself, however, on the present occasion to the last point, and to the question of Slito. The papers connected with this subject had naturally come before him in the duties of his department, and he defied the hon. Member, or any of the hon. Gentlemen opposite who had any knowledge of the subject to point out any period at which one half the attention was paid to our British commercial matters in that country as had been the case in the last few years. Considerable correspondence had been carried on between the Ministers there and the Government here relating to a better system of commerce, in order that every facility might be afforded to the commercial connexion between the two countries, and no subject relating thereto had been passed over by the Chargé d'Affaires or other Minister, nor any opportunity lost of extending and securing the commercial interests of this country. The hon. Gentleman had asked why they did not recal the Minister or the Chargé d'Affaires if he did not attend to his duty, but he must say that the charge of neglect could not be brought against any of the gentlemen who had lately been employed in Sweden—he meant Mr. Bligh, Mr. Bloomfield, or against the gentleman who was now there, Sir Thomas Cartwright; for correspondence had passed under his eyes, from which it was impossible to say that more attention could have been paid to the subject of the commercial interests of England than had been paid to it by those gentlemen. They had directed the attention of the Home government to the fact of the case which was now brought forward, and everything had been done that could be expected or desired. Still that did not justify the motion then before the House. The hon. Member for Ipswich had stated, on his own authority, that the Russian Government had interfered to prevent making a free port of Slito. That might be so, and still we might have been able to afford some assistance or countenance to the establishment of that port. This, however, on one side and the other, could only have been by friendly representation, and by advice; however, as had been stated, the affair really regarded Sweden alone, and did not justify the remonstrances of foreign states. That circumstance, therefore, would form no ground whatever for this motion; no ground whatever for the production of these papers; for whatever might be the authority or recommendation for their production, they were of a character and description which the House had not a right to ask, and which, if granted, would only defeat the object of the hon. Mover. It would lead to a precedent for the production of all papers of this kind, and, instead of furthering the present object, would materially mar and prevent the efforts the Government were now making to effect it. He could again assure the hon. Gentleman that, whether he regarded the reduction of duties, or the taxation of British merchants in Sweden, or the question of the canal, or the port communication, or their interests generally, there had been no neglect, no indifference, no want of attention; but if the House supported the hon. Member in calling for these papers they would injure the promotion of our commercial interests in that part of the world, and would greatly mar their own object.

Mr. *Darby* observed, that there was a

great discrepancy between the statements of the right hon. Gentleman who had just sat down, and the noble Lord, the Secretary for Foreign Affairs. The noble Lord had said, that no mischief would ensue from the production of these papers, but that no case had been made out for their production; and most undoubtedly, from what the noble Lord said, that he should have been induced to vote, if the House divided on the question, with the Government; but when the right hon. Gentleman had said, that it was not on that ground he objected to the motion, but because it would be most detrimental to the object in view to produce them, when two such different opinions were given by Members of the Government, it was hardly possible for him to decide as to his vote. The noble Lord, however, had more to do with this subject than the right hon. Gentleman; and therefore he must conclude, that he was right, and the right hon. Gentleman was wrong. He should support the motion, though he should have voted with the Government if it had been shown to have been detrimental to their proceedings.

Viscount *Palmerston* said, there was no inconsistency between his statement and that of his right hon. Friend, for his right hon. Friend had not said that the production of the papers in question would be detrimental to any proceedings on the part of the Government, but that it would most likely defeat the object of the hon. Mover.

Mr. *Warburton* thought the papers should be produced; first, because the English public were not generally informed of the importance of this station, and, secondly, that if they were laid on the Table their attention would be called to this subject, and consequently the attention of the Government would be drawn to it as well. There was no question about the importance of this station; and, in his opinion, it was of the utmost importance to establish the closest possible alliance between this country and Norway and Sweden.

The *Chancellor of the Exchequer* said, there was no difference of opinion on the part of any of the Gentlemen who had addressed the House in the course of the debate, as to the importance of the establishment of a free port in the island of Gottland; but the question was, how, in a matter of internal legislation belonging exclusively to Sweden, that object could be best attained. Reference had been made to Russian influence; but suppose that there were interests in Stockholm contrary to the establishment of a free port at Slito, did they think, putting the question in that point of view, that Russian influence would be best counteracted be best affected by the interference of that House. Let them remember the question of inland warehouses in Great Britain, which had frequently been mooted. When that question was before Government and Parliament did the House think that a satisfactory settlement of it would have been in any shape favoured by its being urged forward in the Chamber of Deputies in France? He would only ask them to apply to foreign countries the same rules which we should ourselves adopt, sensitive as we were to foreign interference in British affairs. Even at the present time, when the question of the corn-laws was being agitated, how would hon. Gentlemen opposite relish discussions in foreign countries tending to control or even to influence our own legislation on this subject, and yet if they carried the motion of the hon. Member they would sanction and recommend the adoption of that principle. His noble Friend had stated, that there was no political danger in the production of the papers, and yet that statement which had been made with the most perfect candour on his part, had been most unfairly turned against him. Nothing had been easier than for his hon. Friend to have passed over that part of the subject, and he then would have answered the motion: but though there was no political danger, what he doubted was, whether a case of political expediency had been made out to qualify the production of these papers, or rather whether there was not a case made out showing the political inexpediency of our Legislature interposing in the internal concerns of another country. He was fully warranted in saying, that there had not been a single application from any quarter asking for his noble Friend's interference in obtaining the establishment of this free port. How then could the Secretary of State be charged with neglect. And would it not be a case of direct Quixotism when there had been no representation on the subject, made to the Foreign Office, where there was consequently no complaint of neglect, it would be a case of Quixotism for the House to come forward and say that there had been neglect, and that there was a necessity for the active interference of the Foreign Secretary in such a matter. When ever complaints had been made to the Government, they had never been dismissed without inquiry; and this was the first instance in which any individual Member had come forward, and in the absence of all complaint had endeavoured to make out such a case against the existing Government; the House would remember the admission made by his noble Friend, the Secretary for the Foreign Department, that the establishment of this free port was an object of importance to British interests, but coupled with this, there was the mere assertion that the House ought not to interfere actively with the internal affairs of another country. The House might assert and vindicate its perfect freedom of action within our own territory, but there could be no doubt that if the papers were granted, and if the House should interfere, such a step, marking censure and want of confidence in the Government would only tend to counteract the exertions of the Foreign Office, and mar the object they all had in view.

Mr. *Ward* said, that to employ the language of remonstrance in a case of the kind, would be to use a species of coercion, which neither Government would be justified in exercising towards a friendly Power, in regard to its internal interests. If he supported the motion of the hon. Gentleman, that support would rest more on the speeches of the hon. Gentleman's opponents than on his own. However clearly the hon. Gentleman had made out his case, still he (Mr. Ward) did not think it a case which called for the interference of that House. There was no violation of British interests, no disregard of British remonstrance. This was not a case, therefore, for Parliamentary interference. The support which he should give to the motion of the hon. Gentleman rested on the speech of the noble Lord the Secretary of State for Foreign Affairs. The noble Lord laid down as a maxim, that British diplomacy ought not to meddle in such an affair, but if this were so, of what possible value could diplomacy be in the mercantile affairs of this country. He thought this a proper case for diplomatic interference, and when it was found that Russian influence was employed to prevent the establishment of a free port at Slito, was it not the duty of the representative of British interests at Stockholm to counteract that influence. It was essential to the trade of this country, as well as that of Sweden, that there should be a free port at Slito. This country had no political interests with Sweden, our communication with that country was merely mercantile, and therefore, if our mercantile interests were not facilitated by the British agent at Stockholm, he should like to know of what advantage it was, to keep up the expense of such an establishment. Suppose the question relating to the Danube on a system of reciprocity of trade being introduced, could it be said that the influence of Russia, or of any other power adverse to this country, should not be counteracted by our accredited agents. He thought it could not, and therefore, as he considered it highly expedient for the noble Lord himself that the papers should be produced, in order that it might be seen how far the interests of this country were supported in Sweden, he should certainly give his vote in favour of the hon. Gentleman's proposition.

Mr. *Gibson*, in reply, said, the noble Lord, the Secretary of State for Foreign Affairs, had admitted that his statement as to there having been no Consul in Sweden the last sixteen months, was correct; but he added, that, although such was the case, nevertheless there was a person at Stockholm who performed the duties of Consul quite as well as if he had been appointed. Now, that might be satisfactory if the House considered that an alien, a native of Sweden, a man engaged in trade, the partner in an extensive mercantile house in Stockholm, not trading even with this country, a man receiving no salary, and responsible to no one would be as fit to look after the interests of this country as a British subject. Unless they considered this, they could not admit the argument of the noble Lord, but for his (Mr. Gibson's) own part, he must say that it was monstrous to intrust the duties of consul to this kind of person, and the more especially when they must know that his whole time was fully occupied by his own concerns. When he found, that there had been no British Consul in Stockholm for nearly seventeen months, he must presume, that there was some truth in the rumour which was current, that our interests had been neglected at Stockholm. The parliamentary ground on which he rested his motion, and he thought no better could be required, was, that the public had a right to the production of these papers, in order to see that the government had not suffered the interests of this country to be prejudiced in Sweden. The party in charge of British interests at Stockholm, was, no doubt, a most respectable person, but it was not to be justified that he should have been left in so forlorn a position, and without the advice of either a Minister or a Consul, properly accredited from this country to assist him in the protection of British interests. It was as much a matter of justice to the noble Lord, as to satisfying the public that there had been no grounds for the charge of neglect which was imputed to the noble Lord that called for these papers.

The House divided: Ayes 118; Noes 140: Majority 22.

List of the AYES.

Acland Sir T. D.
Acland, T. D.
Adare, Viscount
Aglionby, H. A.
Alsager, Captain
Archdall, M.
Bagge, W.
Bailey, J. jun.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Blandford, Marq. of
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Chalmers, P.
Chute, W. L. W.
Clive, hon. R. H.
Colquhoun, J. C.
Conolly, E.
Courtenay, P.
Darby, G.
Dick, Q.
Douglas, Sir C. E.
Dugdale, W. S.
Duncombe, hon. A.
Dungannon, Visct.
Du Pre, G.
Eaton, R. J.
Egerton, W. T.
Estcourt, T.
Estcourt, T.
Evans, W.
Fector, J. M.
Finch, F.
Forester, hon. G.
Gaskell, J. M.
Gladstone, W. E.
Glynne, Sir S. R.
Gore, O. J. R.
Goring, H. D.
Grant, F. W.
Grote, G.
Halford, H.
Hall, Sir B.
Hardinge, rt.hn.Sir H.
Hawes, B.
Hector, C. J.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hon. C.
Hughes, W. B.
Hume, J.
Humphery, J.
Hurt, F.
Jackson, Mr. Serg.
James, Sir W. C.
Jervis, S.
Jones, J.
Jones, Captain
Kemble, H.
Kinnaird, hon. A. F.
Knight, H. G.
Knox, hon. T.
Leader, J. T.
Lefroy, rt. hon. T.
Liddell, hon. H. T.
Mackenzie, T.
Mackenzie, W. F.
Marsland, H.
Marsland, T.
Master, T. W. C.
Maxwell, hon. S. R.
Miles, P. W. S.
Monypenny, T. G.
Mordaunt, Sir J.
Noel, W. M.
O'Neill, hon. J. B. R.
Pakington, J. S.
Palmer, R.
Parker, R. T.
Perceval, Colonel
Perceval, hon. G. J.
Plumptre, J. P.
Praed, W. T.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Rushout, G.
Salway, Col.
Sanderson, R.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Strutt, E.
Style, Sir C.
Teignmouth, Lord
Thomas, Colonel H.
Vere, Sir C. B.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Warburton, H.
Ward, H. G.
Williams, R.
Winnington, T. E.
Wood, T.
Wynn, Williams
Young, Sir W.

TELLERS.
Gibson, M.
Rushbrooke, Colonel

List of the NOES.

Abercromby, hn.G.R.
Adam, Admiral
Aglionby, Major
Ainsworth, P.
Alston, R.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Bodkin, J. J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Bryan, G.
Busfield, W.
Callaghan, D.
Cavendish, hon. G. H.
Clay, W.
Clive, E. B.
Collins, W.
Craig, W. G.
Crawley, S.
Crompton, Sir S.
Curry, W.
Dalmeny, Lord
Davies, Colonel
D'Eyncourt, rt. hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duckworth, S.
Duke, Sir J.
Dundas, C. W. D.
Elliot, hon. J. E.
Etwall, R.
Evans, G.
Fenton, J.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Gordon, R.
Grattan, J.
Grattan, H.
Grey, rt. hon. Sir C.
Grey, Sir G.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt.hon.Sir J.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
Howard, Sir R.
Howick, Visct.
Hutton, R.
James, W.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lister, E. C.
Lushington, C.
Lushington, rt. hn. S
Lygon, hon. General
Lynch, A. H.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Maher, J.
Marshall, W.
Maule, hon. F.
Mildmay, P. St. John
Morpeth, Lord Visct.
Morris, D.
Murray, rt. hn. J. A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, C.
O'Brien, W. S.

O'Ferrall, R. M.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Visct.
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pechell, Captain
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pigot, D. R.
Power, J.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Russell, Lord J.
Sanford, E. A.
Seale, Sir J. H.
Sheil, R. L.
Slaney, R. A.
Smith, R. V.
Stanley, M.
Stanley, W. O.
Stansfield, W. R.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Stock, Dr.
Strickland, Sir G.
Thomson, rt. hon. C. P.
Thorneley, T.
Townley, R. G.
Turner, E.
Vigors, N.
Walker, R.
White, A.
White, H.
Wilbraham, G.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.

Seymour, Lord
Steuart, R.

Paired off.

FOR.	AGAINST.
Pigot, R.	Grey, C.

Sale of Beer.] Mr. *Pakington*, in rising pursuant to notice, to move for leave to bring in a bill to alter and amend the laws relating to the sale of beer, said, though he was fully aware of the importance of this subject, both as it affected the morals and the comforts of the people, and the finances of the country, he should not enter into any opinions of his own upon those points at the present moment, but should content himself with briefly stating the heads of the measure which he now proposed to introduce; reserving what he had to say upon the obnoxious and pernicious features of the present system till the second reading of the bill. He was the more induced to take this course, because he believed that there would be no opposition to the introduction of his bill, though he fully anticipated it would meet with a good deal of opposition from various quarters in its future stages. He begged to state, in the first place, that he had no intention to repeal the Beer Act, nor to do what would amount to a virtual repeal of it, namely, to impose any restrictions which should prevent the sale of beer. With respect to the consumption of beer on the premises, although he was not prepared to say, that nothing short of the abolition of that practice would meet the objects of improvement he had in view, yet he did not think he could give his support to any bill which did not impose very material restrictions in that respect. Looking at the complaints against the present Beer Bill, which had been made by petitions to this House, he thought that they principally resolved themselves to these two points, namely, the great number of beer-houses established under the new Act, and the low and disreputable character of a great portion of those houses. He should endeavour, therefore, to reduce the number of beer-houses, and also to impart to those which remained a more respectable character than those now existing generally enjoyed. To effect the latter object, he should propose, that, after a certain period, which he should fix at a distant day, in order to allow all parties whose interests were concerned to wind up their accounts, no licence should be granted to any person who was not rated to a certain amount—a distinction being made between the ratings in large towns and the rural districts: and he should also propose, as some additional security for the parties' respectability, that a certain extent of previous occupation of the premises should be required. He should likewise propose that the amounts paid on account of licences should be increased, varying according to circumstances. Though he was not sanguine that these provisions would meet all the evils attributable to the present system, he yet hoped that the Government and the House would give their consent to them, and that they would go far to remedy the abuses so loudly complained of by a large portion of the community.

Mr. *A. Sanford* had great pleasure in seconding the motion. The measure proposed by his hon. Friend was of so moderate a nature, that he thought it would be very likely to be allowed to pass; but had it been of the same character as the one introduced in another place, he had no doubt it would meet with great opposition, and perhaps be defeated.

The *Chancellor of the Exchequer* had already, in answer to a noble Lord, stated the general feeling of her Majesty's Ministers upon this subject, namely, that they were not prepared to pass any measure for the repeal of this law. He admitted, that some regulation on the subject was necessary, but, at the same time, he thought, that the application of any such regulations should be general and impartial; not confined to the beer houses only, but to all houses in which beer or spirits were consumed. He did not know whether this principle were precisely that of the hon. Member's bill, but in any case he did not think, that his principle would be at all compromised by acquiescing in the introduction of this measure. The question, however, was one which should be approached with great caution and a most dispassionate feeling of impartiality, as the interests of no less than between 40,000 and 50,000 persons who had invested their property in business under the provisions of the new Beer Act were involved in the result. He would observe, that the Act itself was one which had been passed, not by the present Government, but by an adverse Government, although certainly with the support of the Members of her Majesty's present Government.

Mr. *Warburton* said, if this bill were to be considered as a measure of police, applicable to all houses, as well those that sold spirits, as those that sold beer, he would give the hon. Member his best assistance to carry it through the House; but if it were to be confined to beer houses only, he should oppose it. A Committee of the House, which sat in 1835, recommended a general measure for the regulation of all houses that dealt in beer and spirits by retail; and as a proof that the beer houses were not conducted with less regularity and propriety than houses of other descriptions, he would refer hon. Members to a return which had been made this Session, by which it appeared that the convictions before magistrates, for disorderly conduct in spirit houses were 95 per cent., whereas the convictions in beer houses were only 5 per cent. With these facts before them were they to condemn the beer-houses and leave the spirit houses unnoticed? He wished the hon. Gentleman would distinctly state whether he intended his Bill to be a measure of police regulation, such as the Chancellor of the Exchequer had recommended? If so, he would give him his support.

Mr. *Plumptre* doubted whether the Bill of his hon. Friend would effect the object which the people of this country desired; or would remove the evils which now existed. For his own part, he was anxious to put an end to the system of licensing beer houses for the consumption of beer on the premises.

Mr. *P. Howard* thought that every lover of even-handed justice would agree with his hon. Friend, the Member for Bridport, in the observations he had made. It would create great alarm in the country, if the House were to adopt the proposition in the shape now suggested by the hon. Member.

Lord *Worsley* was of opinion, that many magistrates in the country were unaware of the powers which they possessed with regard to the regulation of beer houses. If they would carry those powers more stringently into effect, many of the evils now complained of might be prevented.

Leave given.

CANADA.] Mr. *Hume* then rose to move for "copies of all despatches and correspondence which passed between Sir Francis Head, as Lieutenant-governor of Upper Canada, and the Colonial-office, and her Majesty's Ministers, during the time he held that office." He was induced to move for these papers in consequence of some accusations which had been brought against him, and because he was anxious to have the whole facts of the case put into the possession of the House, in order to show the situation in which this country had been placed by the conduct of that Governor. Since he had sat in Parliament no public officer had conducted himself in a manner similar to that individual had done. It was true that according to certain papers which had been laid on the Table of the House, and by garbled statements which had been published, that public officer had made out a very good case on his own account; and he had chosen at the same time to make attacks upon him (Mr. Hume). As soon as he could get the papers, he intended to bring the conduct of that officer before the House, and to show wherein he had departed from his duty. But that he could not do until he got the documents. He could not see why those documents should be kept back. A report from a committee of that officer's packed friends had been laid on the Table of the House, and his character had been implicated, and the public mind misled by it. He would undertake to prove that, if the Government would let him have all the papers he wanted. One of his letters had been published. Why did they not bring out all his letters? He defied them to bring forward a single letter written by him which he was not prepared to vindicate. He was glad to find on a re-perusal of the letter which had been published by Sir F. Head, that it was a most satisfactory one. He had been charged with being an instigator to violence and rebellion, because he had asked for a bit-by-bit reform. Why, he had advised Mr. M'Kenzie to abstain from all violence, to wait patiently, and to proceed properly, but firmly; and he had been found fault with for not being importunate enough. A letter found in M. Papineau's baggage had been published by Sir F. Head; but why did he not publish the other letter—for there was another letter written by him, a letter of introduction to Mr. M'Kenzie, which Sir F. Head took out with him? Why did not the Government give up all the letters and papers at once? A paragraph from one of the letters of Sir F. Head had been promised, in which he (Mr. Hume) was mentioned. He had no doubt that he was not very agreeably noticed. But Sir F. Head had actually left that letter out of his book. So that he was placed entirely at the mercy of the papers on the Table of the House, and the garbled statement put forth by Sir F. Head, and he could not get at the truth. Lord Glenelg had said in the other House that he was anxious that every paper should be produced, and that he was not aware that any one was withheld. Why, then, should they be withheld? He had no doubt that some very curious facts would come to light if all the papers were produced, particularly if the answers to the despatches were printed; and he contended that the House had a right to demand them all. They had a right to know what had been done at Toronto. Was it true, or was it not, that this gallant hero had offered to capitulate at Toronto? He was anxious that the whole truth should come out. For his own part he was not afraid of the truth, but it seemed that others persons were so. The country ought to be made acquainted with the causes that had led to such lamentable doings in Canada. The hon. Under Secretary for the colonies, the other night, appeared to think that sufficient blood had not been shed in Canada. That was what the hon. and learned Member for Dublin complained of, and the answer made by the hon. Secretary seemed to convey that impression. When the resolutions relating to Canada were under discussion in that House, he forewarned them that all the bloodshed that might follow would be on the heads of those who passed those resolutions. Why, then, was he to be stigmatized as the author of evils, when he could point out the very individuals who were the real authors of them? The House was not aware that his accusation was that during the elections, Sir F. Head had signed papers to create votes at the very moment, and by those means had carried the elections, and that accusation was confirmed by Lord Durham in his report. ["No, no," from Mr. *C. Buller*] The hon. and learned Gentleman who expressed dissent might not perhaps remember what had been written in that report, and he ought to let others judge from the acts which Sir F. Head did in violation of the rights and privileges of the Canadians. Therefore it was, that he desired the production of all the documents in order that the public might be enabled, as well as himself, to judge of the matter. At present he was unable to bring forward any statement, because he had not all the facts, as if he did so, he might be turned, as he had been on many occasions round upon, by an official man saying he was possessed of this or that information. As the discussion on the whole question of Canada and Sir F. Head's conduct must take place, would it not be better, when that gentleman had defied the Government, had published garbled statements, as indeed had the Government also, to have the whole information complete, and fill up the chinks with his whole story? He put it to the Government whether it was fair to him, who had been so frequently challenged on the subject, to prevent him from giving up the agents and actors in all the mischiefs. It was not treating either the House or the country fairly not to produce all the information; it was important that those who had produced the evils in Canada should be brought forward in their proper colours, and if the documents were refused, it must be concluded they contained facts which the Government were afraid to make known. Sir F. Head had challenged the Government, and it was fitting the Government should meet that challenge. On all these grounds he should press his motion.

Mr. *Labouchere* said, he should not allow himself by any observations which had fallen from the hon. Member for Kilkenny, to be provoked to enter at that late hour, and in the present state of the House, into any discussion of the very great and important subjects to which the hon. Member had alluded. The hon. Gentleman had justly said, that no long period could elapse before the attention of the House must be seriously called to the state of the Canadas, to the administration of Sir F. Head when he governed the upper province during a very important period of events which had lately taken place, and to all other subjects which related to the peace of those countries. That was a sufficient reason why he should not attempt at this time to enter upon a subject to which, consistently with the time of the House, he could not do anything like justice. He should therefore confine his observations to the point of the motion—namely, whether the House should take the very unusual step of requiring from the Government to lay all despatches and communications, without exception, which had passed during a period of unexampled difficulty between the governor of an exposed colony and the Government at home upon the Table of the House, or whether that discretion which never was refused to any responsible Minister of the Crown, whom the House thought worthy of its confidence should in this instance be allowed to the Colonial Secretary—in other words, whether he should be allowed the province of judging what parts of those despatches and communications could with safety to the public be laid on the Table, and what parts it would be his duty to withhold. If the House had not confidence in the noble Lord now at the head of the Colonial Department, it was its duty to express that want of confidence, and to insist on his removal? If they did, the House ought not to embarrass the Government by insisting on the production of documents which the Government felt it to be its duty to resist. This was a most important general principle, from which he did not think anything at this time had occurred, which ought to induce the House to depart. At the same time he assured the hon. Gentleman, that it was the full intention of the Government, as indeed had been before stated by the noble Lord at the head of the department, to lay on the Table every thing that was material for the perfect and complete understanding of the subject of the administration of Sir F. Head without the slightest reserve. The House would therefore perhaps allow him to move as an amendment to the motion of the hon. Member, that copies of extracts from despatches, and extracts from answers to despatches, containing all the information essential to a right understanding of the subject, be laid before the House. He was bound to say there were parts of the despatches which would not be produced; there were some things in them which Sir F. Head, without communication with the Government, had thought proper to publish, but which he knew his noble Friend, the Secretary for the Colonies, would not feel it to be consistent with his duty to lay before the House. There were, for instance, personal reflections upon individuals wholly irrelevant to the subject on which Sir F. Head had to treat, and which were improper to be addressed by a governor of a colony to a Minister of the Crown, which would not be laid upon the Table. Again, there were reflections in the despatches of Sir F. Head, and published by him, not upon the conduct, but upon the institutions of the United States of America, which it would not be decent or proper for the Colonial Secretary to recommend her Majesty to communicate to Parliament. He claimed on behalf of his noble Friend, the Colonial Secretary, the right to judge what was, and what was not, fit and proper to lay before the House. An examination would be made in the office with a desire not to keep back anything which could afford the amplest information upon the conduct of the Government, the conduct of Sir F. Head, and, indeed, upon the whole transactions which had taken place in Upper Canada. The hon. Member for Kilkenny had complained very much of the omission from Sir F. Head's book of the sentence in the despatch which was personal to himself. It would seem, however, that the book had been got up in a hasty manner, for the matter was stated in the table of contents, but on turning to the chapter referred to, it would be found to contain no such passage, nor anything like it. He however, would own that there was a sentence relating to the hon. Member in the despatch of Sir F. Head, which had been laid on the Table, omitting that sentence, because it was wholly irrelevant to the subject of the despatch. That sentence did not apply to any act of the hon. Member's, but was a general expression of the opinion entertained by Sir F. Head of the hon. Member, and whether, if placed on the Table, that opinion would show the modesty of the hon.

Member, or whether it was of an opposite character, he (Mr. Labouchere) would keep a profound secret. His hon. Friend had also alluded to a letter which he wrote to Mr. M'Kenzie, and which had been found among the papers of M. Papineau. But even if the present motion were granted, the hon. Member would not obtain his object with regard to that letter, for it had been transmitted by Sir John Colborne, and not by Sir F. Head. He was unwilling to enter further into these particulars. He felt the serious difficulties and obstacles which surrounded the great question of Canada too deeply to wish to mix up with it matter of personal character, and he hoped the House would approach that question in a very different spirit. On public grounds, together with a feeling of his duty to the Crown, it was, that he should resist the present motion, and should ask the House not to depart from the usual practice, but leave it to the responsible Minister to judge what ought and what ought not to be produced. He should therefore move, as an amendment, "that copies or extracts from despatches, and extracts from answers to despatches, which passed between Sir F. Head and the Colonial-office and her Majesty's Ministers during the time he held the office of Lieutenant-Governor of Upper Canada, be laid before the House."

Mr. *Hume* said, the right hon. Gentlemon seemed to think, that the motion, if carried, would cast a reflection on the noble Lord, now, the Secretary of State for the Colonies. If he thought there was any reason to draw that conclusion, he (Mr. Hume) would not persist, for he regarded with great satisfaction, that noble Lord's conduct towards Ireland, that he should not be the person to begin throwing reflections upon that noble Lord. On that ground, and trusting to the declarations of the right hon. Gentleman, he should consent to the amendment. Perhaps the right hon. Gentleman would give him privately the date of the despatch in which he was alluded to, as he had some letters of Sir F. Head's which might assist him.

Sir *G. Grey* observed, that the hon. Member for Kilkenny had spoken of garbled statements laid on the Table by the Government. The despatch which had contained the allusion was produced last Session, and he felt it due to Lord Glenelg to state, that, on laying that paper before Parliament, he had communicated to Sir F. Head, that he had omittted that paragraph, and had stated to him his reasons for doing so, and that the noble Lord had subsequently received a despatch from Sir F. Head, acquiescing in those reasons, and in that omission.

Mr. *C. Buller* was tempted to say a few words in consequence of his having said "No" to the statement of his hon. Friend, the Member for Kilkenny, that Lord Durham's report corroborated the charge made against Sir F. Head of issuing patents for land to turn the election. He did not speak to the words of the report (which he had not read so recently, perhaps, as the hon. Member), nor as to how far those words bore out the impression which he knew to have been made and impressed on Lord Durham's mind by the evidence taken with great pains on the spot. He was sure, however, that the object of the report was to free Sir F. Head from the charge of creating fictitious votes, and that conclusion was induced in Lord Durham's mind by the Commissioners of Crown lands, who had fully investigated the subject at Toronto. He could not be supposed to have any great temptation to defend Sir F. Head, but he had felt bound to set his hon. Friend right, and to assure him that, from the best information that could be collected, there was no ground for that imputation on Sir F. Head.

Amendment agreed to.

HOUSE OF COMMONS,

Wednesday, March 6, 1839.

MINUTES.] Petitions presented, By Lord GEORGE BENTINCK, Messrs. DUGDALE, HURT, EATON, and LASCELLES, from several places, against the Repeal of the Corn-laws.—By Mr. WALLACE, from Greenock, for the Repeal of the Corn-laws.—By Sir JOHN SEALE, from two places, for facilitating the Recovery of Small Debts.—By Sir W. YOUNG, and another hon. MEMBER, from several places, against the Sale of Beer Act.—By Mr. FIELDEN, from several places, against the High Ways Bill.

THEATRES—PERFORMANCES IN LENT.] Mr. *T. Duncombe* wished to ask a question of the noble Lord, the Secretary for the Home Department, understanding that her Majesty's Ministers had taken strong measures to defeat the resolution which that House had come to the other evening, respecting the theatres in Westminster. He begged to ask whether the noble Lord would have any objection to lay upon the Table of the House the whole of the correspondence which had passed between the Lord Chamberlain and the lessee of Drury lane theatre.

Lord *John Russell* would, in the first

place, deny that her Majesty's Ministers had taken any strong measures to defeat the resolution of that House—and, with regard to the question of the hon. Member, he had no objection to lay before the House the correspondence which had taken place between the Lord Chamberlain and the lessee of Drury lane theatre.

Mr. *T. Duncombe.* The noble Lord had denied, that any measures had been resorted to by her Majesty's Government to defeat the resolution of that House, but he would prove, that very unprecedented measures had been taken by them for that purpose. He hoped there would be no delay in giving that correspondence, because he believed the honour, and character, and independence, of that House were involved in the course which her Majesty's Ministers had presumed to take. The hon. Member then moved for a copy of any correspondence between Monday last and the present time.

Ordered.

HIGHWAY BILL.] Mr. *Barneby* moved the Order of the Day for going into Committee on the Highway Bill.

Sir *G. Strickland* felt it to be his duty to move, that the bill be committed that day six months. On the second reading of the bill he had stated his strong objections to it. It was a bill which proposed to take the management of all parish roads out of the hands of the landed proprietors and farmers who now had the management of them, and to place it in the hands of a Board to be appointed under the bill. He would not consent to any such alteration unless an absolute necessity could be shown for it. The people were perfectly satisfied with the present management of the parish roads, and in his opinion no such necessity existed. He recollected, that when Mr. M'Adam first undertook the management of the roads in his (Sir G. Strickland's) district, that gentleman gave it as his decided opinion, that as the turnpike roads were improved an improvement would take place in the parish roads as a consequence, and the event had shown the correctness of this opinion. He had also another ground of objection to the bill as it had been originally introduced into the House—it had been proposed to place the management of the roads in the hands of the Board of Guardians of the Poor-law Unions, now he considered that the Board of Guardians of the Poor-law Unions had ample work to do—and as he was anxious to see the Poor-law Amendment Act work well, he should strenuously oppose the Board of Guardians under that Act being burdened with any other duties. Had the bill passed with this provision, the Board of Guardians would soon have become what the grand juries in Ireland had been under the old system. Bodies meeting for one particular purpose, but spending their time in jobbing the high roads. He was fully aware, that the hon. Member had altered this part of the bill, and that he now proposed to create a Board for the management of parish roads, co-existent with the Board of Guardians of the Poor-law Unions. Under this bill there would be one surveyor appointed for twenty townships. Now it was a maxim with Mr. M'Adam, that one surveyor could only superintend twenty miles of road. But this list would compel a surveyor to attend to no less than a hundred and even more miles of road. Then what an additional number of horses would be required. This appeared to him to be such a cumbrous piece of machinery that it could never work. If the hon. Member wished to take the management of the roads out of the hands of farmers, he must introduce a different bill from the present. He thought the hon. Member could not have read the bill, for there was one clause which legalised bull-baiting. The clause provided, that it should not be legal to bait a bull, "on, or upon, or near, any road," evidently implying that it might be done off the road. Under all the circumstances, he should move, that the bill go into committee this day six months.

Mr. *Barneby* was surprised at the objection raised by the hon. Baronet to the alteration made in the bill, because on referring to the proceedings in the committee on this bill last year, he found, that the hon. Baronet himself proposed that boards of management should be constituted co-extensive with the unions. He trusted the House would allow the bill to go into committee, where any alterations could be made which might be deemed necessary.

Sir *George Strickland* said, that he had always felt the strongest repugnance to this measure, at the same time he was sure the hon. Gentleman would bear testimony to his having stated, in the committee of last year, that he would not give the bill a factious opposition, although he reserved to himself the right of opposing it in its future stages.

Mr. *Slaney* hoped his hon. Friend (Sir G. Strickland) would not divide the House upon the question of going into committee. Every country gentleman was interested in promoting an improvement of the present system by which the highways were managed; and after the great labours during several Sessions which men of the highest talent and experience had bestowed upon this measure, he trusted the House would feel bound to proceed, and legislate upon the subject.

Mr. *R. Palmer* said, that so far as the measure went to appoint district surveyors; he thought the arrangement judicious, but, with respect to the proposition for placing the superintendance of the roads under the management of a Board, he would decidedly object to it.

Mr. *Fielden* supported the Amendment, and declared, that unless the House wished to perpetuate the present heartburnings and discontent, they ought not to pass this bill. It was nothing but an attempt to take the local government out of the hands of those who had contributed towards the repair of the highways.

The House divided :—Ayes 196; Noes 23: Majority 173.

List of the AYES.

Acheson, Viscount
Acland, T. D.
A'Court Captain
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Archbold, R.
Bagge, W.
Bailey, J. jun.
Baines, E.
Baker, E.
Baring, F. T.
Baring, hon. W. B.
Barnard, E. G.
Beamish, F. B.
Bell, M.
Bentinck, Lord G.
Bewes, T.
Blackston, W. S.
Blair, J.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Bridgeman, H.
Broadley, H.
Brownrigg, S.
Buller, E.
Buller, Sir J. Y.
Burdett, Sir F.
Busfield, W.
Cavendish, hn. G. H.
Cayley, E. S.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, E. B.
Clive, hon. R. H.
Codrington, Admiral
Corry, hon. H.
Craig, W. G.
Crawley, S.
Dalmeny, Lord
De Horsey, S. H.
Dick, Q.
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Duckworth, S.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
Dupre, G.
Easthope, J.
Eaton, R. J.
Egerton, W. T.
Eliot, Lord
Ellice, right hon. E.
Farnham, E. B.
Fielden, W.
Filmer, Sir E.
Fitzsimon, N.
Forester, hon. G.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Graham, rt. hon. sir J.
Grant, F. W.
Greene, T.
Grey, Sir G.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Hepburn, Sir T. B.
Herbert, hon. S.
Heron, Sir R.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, H. T.
Hope, G. W.
Howard, P. H.
Hughes, W. B.
Hurt, F.
Hutt, W.
Ingestrie, Viscount
Irton, S.
James, W.
Johnstone, H.
Kelly, F.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, right hon. Sir E.
Lambton, H.
Lascelles, hon. W. S.
Lefevre, C. S.
Liddell, hon. H. T.
Lister, E. C.
Lockhart, A. M.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
McTaggart, J.
Maher, John
Mahon, Viscount
Marshall, W.
Marsland, H.
Marsland, T.
Marton, G.
Master, T. W. C.
Maule, hon. F.
Maxwell, hon. S. R.
Mildmay, P. St. John
Monypenny, T. G.
Mordaunt Sir J.
Moreton, hon. A. H.
Murray, A.
Murray, rt. hn. J. A.
Norreys, Lord
O'Brien, W. S.
Ord, W.
Paget, Lord A.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parrott, J.
Patten, J. W.
Peel, right hon. Sir R.
Perceval, Colonel
Philips, M.
Philips, G. R.
Planta, right hon. J.
Plumptre, J. P.
Power, J.
Pringle, A.
Protheroe, E.
Pusey, P.
Reid, Sir J. R.
Rice, E. R.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Sanford, E. A.
Scarlett, hon. J. Y.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Sheppard, T.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, G. R.
Symth, Sir G. H.
Somerset, Lord G.
Stanley, E. J.
Stanley, E.
Stanley, Lord
Stanley, W. O.
Steuart, R.
Stewart, J.
Strutt, E.
Style, Sir C.
Troubridge, Sir E. T.
Turner, E.
Vere, Sir C. B.
Vigors, N. A.
Villiers, Viscount
Waddington, H. S.
White, A.
Wilbraham, G.
Williams, R.
Wilmot, Sir J. E.
Wilshire, W.
Winnington, T. E.

Winnington, H. J.
Wood, C.
Wood, Colonel T.
Wood, T.
Worsley, Lord
Wyse, T.
Young, Sir W.

TELLERS.
Barneby, J.
Bethell, R.

List of the NOES.

Alston, R.
Baring, H. B.
Bolling, W.
Brotherton, J.
Collins, W.
Duncombe, T.
Dundas, C. W. D.
Dungannon, Viscount
Euston, Earl of
Finch, F.
Hall, Sir B.
Hector, C. J.
Hindley, C.
Hume, J.
Leader, J. T.
Morris, D.
O'Connell, D.
Pechell, Captain
Salwey, Colonel
Wakley, T.
Walker, R.
Williams, W.
Williams, W. A.
Yates, J. A.

TELLERS.
Strickland, Sir G.
Fielden, J.

House in Committee.

The clauses up to 14 having been disposed of, on Clause 14,

Mr. *Barneby* said, that he thought, that too great authority was already given to the guardians of the poor, and he should, therefore, propose to take from them the power to appoint the district surveyors, which was proposed by this section to be placed in their hands. He moved, therefore, that the word "guardian" should be struck out, and that the words "shall be chosen and appointed in such manner as hereinafter provided," should be inserted in its place. He should, then, at a future stage, bring up those clauses which be requisite to complete the provisions, and which would necessarily embody matters of great importance and complication.

Mr. *Hume* thought, that the impropriety of endeavouring to legislate piecemeal was here exhibited, for if a general board had been appointed, as he had before suggested, this difficulty would not have arisen. He suggested, that the clauses intended to be introduced before they were determined on should be printed.

Lord *John Russell* could not say, that the proposition of the hon. Gentleman, the Member for Worcestershire, ought to be adopted, but he agreed with the hon. Member for Kilkenny, that as there was great complication in the mode of election of the officers, it would be better to let the House see what they were, in order that hon. Members might judge of the propriety of their being adopted.

Mr. *Egerton* thought, that the question which would arise as to the extent of the districts was one of very great importance, and he conceived, that the House would do well to come to a decision upon it. One of the greatest difficulties in inducing small farmers to become members of union boards of guardians was, that they had often to ride nine or ten miles a-day to business; and, besides, to be at the expense of refreshments for themselves and their horses. He was desirous to have smaller districts under this bill, if its object was to save expense. District surveyors ought to be appointed, then the inhabitants should have the management of their own rates. If he saw, that any great difference of opinion prevailed upon the subject, he should be prepared to divide the House upon it; and he should certainly oppose any measure which would make them co-extensive with the Poor-law unions.

Lord *Stanley* understood, that it was agreed, that this clause should be postponed until after Easter, in order that it and its accompanying clauses might be printed; but, at the same time, it would be exceedingly important to his hon. Friend, the Member for Worcestershire, that the principle upon which he should frame the new clauses in reference to the extent of the districts should be determined upon, because if he were to proceed upon the understanding, that the districts should be co-extensive with the Poor-law unions, and the House should prove to be of an opinion opposed to such a provision being introduced, all his trouble would be thrown away. It would be better, therefore, that the hon. Member for North Cheshire, or some other individual who was altogether opposed to making them co-extensive with the districts already marked out under the Poor-law Act, should move an amendment to that effect.

Mr. *Hume* said, that his opinion was, that the larger the districts were the better; and he thought one surveyor for each county would be sufficient,

Colonel *Wood* thought, that the present system would be injured by any alteration which had not for its effect the placing new powers in the hands of the Poor-law guardians, for by that means a great saving would be secured in the employment of the poor on the roads.

Mr. *Shaw Lefevre* quite agreed as to the importance of a decision being arrived at whether these matters should be left to the government of a district or a parochial board, but he objected to any power of this description being given to the Poor-law guardians. He believed, that the Poor-law unions being well defined districts, would not be objected to generally, it being borne in mind, that the Poor-law guardians would have nothing to do with the management of the affairs.

Mr. *G. Palmer* was of opinion, that no more power should be given to the guardians of the Poor-law unions, for it was sufficiently clear, that they were already powerful enough. The time would come when they would be able even to rule this House itself. He conceived, that the best mode of settling this question would be to give the power of appointing the district surveyors to the magistrates.

Viscount *Dungannon* was opposed to the establishment of boards in any shape, and was glad the sense of the House was to be taken on this question. He entirely concurred in what had fallen from the hon. Member for Essex. To such a pass had the appointment of commissions arrived, that one could scarcely cross the street without being afraid of stumbling against a commission. He should give his vote in favour of the proposition of the hon. Member for Cheshire.

Mr. *Aglionby* said hon. Gentlemen were straying from the real question before the House, which was what should be the boundary of the district, and whether it ought not to be co-extensive with the Poor-law union.

Sir *John Owen* was opposed to the appointment of all boards; but if there was to be a board appointed he would advise his hon. Friend to compose it of barristers of six months' standing.

The question of reporting progress was negatived without a division.

The committee divided on the question whether the clause should be retained as originally drawn:—Ayes 63; Noes 43—Majority 20.

Another division then took place on the question—Whether the divisions under the bill should correspond with those of the districts under the Poor-law Act:—Ayes 66; Noes 40—Majority 26.

List of the AYES.

A'Court, Captain
Aglionby, H. A.
Aglionby, Major
Barnard, E. G.
Beamish, F. B.
Bethell, R.
Blake, M. J.
Blake, W. J.
Bowes, J.
Brotherton, J.
Buller, E.
Bulwer, Sir L.
Busfeild, W.
Butler, hon. Col.
Cavendish, hon. G. H.
Collier, J.
Crawley, S.
Dalmeny, Lord
Dennistoun, J.
Divett, E.
Duke, Sir J.
Eliot, Lord
Elliot, hon. J. E.
Evans, W.
Fleetwood, Sir P. H.
Fort, J.
Gibson, T. M.
Hawkins, J. H.
Hector, C. J.
Hobhouse, T. B.
Howard, P. H.
Hume, J.
Jervis, J.
Knight, H. G.
Langdale, hon. C.
Lister, E. C.
Lynch, A. H.
Maher, J.
Marshall, W.
Marsland, H.
Maule, hon. F.
Muskett, G. A.
Palmer, C. F.
Parrott, J.
Pechell, Captain
Philips, M.
Pryme, G.
Rice, E. R.
Russell, Lord J.
Salwey, Colonel
Sharpe, General
Stanley, Lord
Stock, Dr.
Strutt, E.
Tancred, H. W.
Vigors, N. A.
Wakley, T.
Warburton, H.
White, A.
Wilshere, W.
Winnington, T. E.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wood, G. W.
Worsley, Lord

TELLERS.
Barneby, Mr.
Lefevre, S.

List of the NOES.

Ainsworth, P.
Bagge, W.
Bailey, J. jun.
Bruges, W. H.
Buller, Sir J. Y.
Burr, H.
Chute, W. L. W.
Darby, G.
Dundas, C. W. D.
Dungannon, Ld Visct.
Farnham, E. B.
Glynne, Sir S. R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Grant, F. W.
Hall, Sir B.
Hepburn, Sir T. B.
Hodgson, R.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord Visct.
Irton, S.
Kemble, H.
Knatchbull, rt. hon. Sir E.
Lockhart, A. M.
Mackenzie, W. F.
Maxwell, hon. S. R.
O'Ferrall, R. M.
Palmer, G.
Plumptre, J. P.
Seale, Sir J. H.
Sibthorp, Colonel
Smyth, Sir G. H.
Strickland, Sir G.
Turner, E.
Vivian, J. E.
Walker, R.
Williams, W. A.
Wood, T.
Young, Sir W.

TELLERS
Egerton, W. T.
Palmer, R.

[We give the List of the second division in the committee only].

The House resumed and went into a Committee of

SUPPLY — NAVY ESTIMATES.] Mr. Bernal read the first vote, for 34,165 men for the service of the ensuing year.

Sir *G. Clerk* wished to make some observations on the speech of the hon. Gentleman (the Secretary to the Admiralty) on Monday evening. He had listened to that speech with all the attention in his power, but he must say, that though there were many parts of it in which he entirely concurred, and which he had heard with great satisfaction, the hon. Gentleman had not succeeded in removing from his mind the conviction which it had previously received, that the state of the navy was not such as could be considered satisfactory to the country. The whole substance of the hon. Gentleman's defence of the Admiralty consisted in proving that the estimate was larger in the present year than it had been some time since, and that the vote now proposed would exceed any granted by Parliament during the last ten years. The hon. Gentleman's whole argument was pervaded by the fallacy of assuming the amount of force required in one particular year to be the test of the amount proper to be maintained in any other year. Therefore the hon. Gentleman had exultingly said, although blameable reductions have been made in our naval establishments, they have not been made by the present Government, and if the country be now complaining of the inefficient state of our marine force, that must be ascribed to the ill-judged parsimony of Tory administrations. Now, though it had often been his lot in former years to bring forward the navy estimates, he certainly had never heard in that House any complaints that the economy of the Government was too pinching. The hon. Member for Kilkenny had, on such occasions been always consistent in objecting to the amount required, both for the pay of the seamen and the purchase of stores, as quite disproportioned to the wants of the country, and had more than once taken the sense of the House on motions for reduction. In 1835, although the vote was but for 25,000 men, and was now declared to have been much too small, the hon. Member had proposed to reduce it by 5,000. The amount of naval force required in any particular year must be judged of by the exigencies of the public service at that season, and that vote might be very insufficient in 1839 which would have been very extravagant in 1835. The hon. Gentleman opposite, therefore, had quite failed in vindicating Ministers from the charges of neglecting and injudiciously reducing the navy, by finding fault with the lowness of the vote taken for the stores and men by the administration of the right hon. Member for Tamworth. The question of the expediency of that reduction must be decided by considering the circumstances in which the country was at that time placed. His noble Friend who brought forward the naval estimates in that year, Lord Ashley, and who was now present, would be better able than he himself was to state the reasons which had induced Government to propose the vote, if indeed it were necessary to argue the point at all, since in the succeeding year, when the estimate was very much increased, the noble Lord, the Secretary of State for the Home Department had admitted that the vote of 1835 was not unsuited to the then existing condition of affairs. The Board of Admiralty, over which Earl De Grey presided, had taken a vote only for the precise number of men actually employed at the period of his accession to office, so that the total number serving had not really been diminished. It appeared, from a return of the number of ships employed on the 1st of December, 1834 and 1836, respectively, that at the former date, when the Conservative Administration had come into office, there were 15,500 seamen serving in 160 vessels of various denominations; at the latter date, under the present Government, the same number of seamen employed by Earl De Grey's board was continued in 167 ships of various rates. The hon. Gentleman opposite, in bringing forward the estimates for 1837, took great credit to the Government for not having increased the number of men employed before. The number then serving was 15,502, exceeding only by two the number of men employed under Earl De Grey's administration of the navy. The ground they should take in increasing or reducing the navy, was the relative position of the great Powers to each other, and the actual circumstances of the country. With respect to the objections that were urged at present, he did not think the Board of Admiralty was responsible for the distribution of the naval force now adopted. That must be determined by the Cabinet on broader grounds than the pleasure of the department, and on this head no charge could justly be brought against the Admiralty. The burden of their delinquency must consist in the mismanagement of the subordinate details, and the weight of this accusation would fall with especial force on the First Lord. The Secretary of State for Foreign Affairs was the Member of the

Cabinet principally concerned in and responsible for the distribution of the naval force, because that Minister must always have the best knowledge of what is required by the state of our foreign relations and the condition of the navies of other Powers, these being the considerations which must regulate the proportions of force assigned to the different stations. In 1836 the hon. Gentleman opposite, although thinking that there existed grave reasons for the increase of our navy, which he did not then wish to specify, had given the House to understand that it was chiefly necessary for the purpose of giving increased protection to our commerce with South America and the West Indies. It was much to be regretted, that the state of our foreign relations was such as to require the presence of so large a squadron in the Mediterranean. When the hon. and gallant Admiral (Sir E. Codrington) commanded on that station, although affairs were then in a most critical and delicate position, the whole force permanently attached to the station did not exceed three sail of the line. If the result of all the diplomacy of the noble Lord, the Secretary for Foreign Affairs, had been such as to excite the jealousy of the nations bordering on the Mediterranean, and to require the augmentation of our squadron there, then it was not the Board of Admiralty that was to be held responsible for that distribution of our naval force which had deprived our increasing commerce of that protection so much required on other stations. If the portfolio of the noble Lord inspired nothing but distrust and hostility in other nations, certainly that Minister must be considered to have incurred great blame in consequence of the very great additional expense which his measures had rendered unavoidable. Very inadequate provision, it could not be denied, had been made by the Government for the defence of our own shores and harbours. He hoped the hon. Member for Kilkenny would not suppose he wished to urge the Government to ask for an extravagant vote, but he must say, if that proposition was borne out by facts, no one was more to blame than that hon. Member. Not only had that hon. Member insisted on a most unwise parsimony in this branch of the public service, but he had never, on any occasion within the last four years, when his (Sir G. Clerk's) Friends had attempted to draw the attention of the House and the country to the unfavourable aspect of foreign affairs, given them the least support. He had uniformly supported the present Government, who, by mismanagement and incapacity, had reduced our foreign affairs to their present melancholy state, and rendered necessary a greatly augmented expenditure. So little attention, in fact, had the foreign relations of the country excited within the time he had mentioned, that the noble Secretary for that department had found his duty in that House a mere sinecure. They had very seldom the pleasure of seeing the noble Lord among them; and on this occasion especially, when a subject was under discussion that involved the consideration of the state of all our foreign affairs, he very much regretted that the noble Lord should not think it worth while to be present. The present question was not brought forward at the instance of any individual Member on a day when it might be inconvenient for the noble Lord to attend, but was fixed for this evening by the Government themselves. The noble Lord's absence was the more extraordinary, since he was undoubtedly the person to whom the House must look for information as to the necessity of maintaining in the Mediterranean the present large amount of force kept there. With regard to the total amount of force to be voted, the grant or refusal of the demand must depend on the degree of confidence placed by the House in the Administration. For his part, he had never felt so great a distrust of any Administration as to refuse his assent to the particular vote, for which they judged it necessary to apply to the House. But if the presence in the Mediterranean of so large a portion of the force voted was indispensable, could Government suppose that the people of this country were blind to the paramount necessity of well-guarding our own coasts? Did they forget that those nations whose jealousy we had provoked in the Mediterranean, had fleets elsewhere? Did they think, that the people of this country never inquired what amount of force those powers might have cruising within a short distance of our own harbours, in the Baltic and North Sea? Did Ministers not participate in the alarm expressed the other evening by the hon. Member for Birmingham (Mr. T. Attwood), at our own defenceless state, in case of the appearance of a hostile fleet in the British Channel or the

Mouth of the Thames? What was our actual state of preparation at this moment? From a return of the number of ships in commission, 1st of December, 1838, on the home station, it appeared, that in the harbours of Portsmouth, Plymouth, and Sheerness, there were to be found three first-rate ships. But by the next page of the return it appeared that the united crews of all three would be required to enable any one of them to put to sea. Of second-rates on the home station, there was to be found not one; of third-rates, none; of fourth-rates, none; of fifth-rates, none; of sixth-rates, none; of sloops-of-war, none; of steam-vessels-of-war none; but there were — what? Six gun brigs at Portsmouth, and two at Sheerness, and, therefore, those small brigs constituted the whole force that this country could at present oppose to a hostile fleet of any foreign nation appearing on her shores. [Lord *J. Russell*—On the first of December last.] He admitted, that was in December, and it might have been supposed, that the absence of force at that period was accidental; but on looking back to December, 1837, he was very sorry to find, that the state of things was exactly the same, with this difference, that then there were but five gun brigs, and now there was six. The whole addition to our force on the home station, between the end of 1837 and the end of 1838, consisted of but one gun brig. He asked the hon. Gentleman the Secretary for the Admiralty what means existed of suddenly fitting out a squadron? Formerly there used to be at each of the ports he had mentioned guard ships with crews equal to half their full complements, and all their stores and guns on board, ready to put to sea at a moment's notice; and from the facility afforded by the dépôt of men then maintained in the coast blockade, they actually were sent to sea at a moment's notice. The hon. Gentleman had observed the other evening, that he considered it unnecessary to keep guardships lying in our harbours; that it was sufficient to have one or two fast sailing steamboats at command to send to the Mediterranean, the West Indies, and South America, for recalling ships and assembling a squadron. The House was told, that we had nine ships of war disposable for home service. Where were they to be found, unless we sent these quick sailing steamships all over the world to bring them to the Channel? But suppose a quarrel were to break out in the mean time between us and any of the maritime powers, how were our coasts to be guarded from invasion? What was to become of our immense and richly laden fleets of homeward-bound merchantment? Why, they would be swept into enemies' ports, while our expected reinforcement was yet hundreds of miles distant. As they had been told by the Secretary to the Admiralty, that it was not necessary or expedient to have a large force on the home station, he would beg leave to quote as an authority that might have some weight, the words of the noble Lord the Secretary of State for the Home Department in a speech respecting the navy delivered by him in 1836. The noble Lord, it would be observed, was stating reasons which rendered it impossible to withdraw any of the ships stationed abroad for the sake of reducing the expenditure. The noble Lord said,

> "It came to be a great consideration that when multiplied demands were made from various parts of the world for the protection of our commerce, which could not be neglected, it was impossible to diminish the force necessary to guard it, and it was requisite to keep a large force constantly in a body ready to act on any point where it might be needed. It was necessary to keep such forces in various parts of the world."

And the noble Lord went on to say, "In our opinion" (that was to say, the opinion of the Cabinet of which the noble Lord was a Member) "the past experience of the world shows, that it is essential that we should have a sufficient force in the neighbourhood of our own shores." These were the sentiments of the noble Lord as printed in his speech of March 4, 1836; and he could not help calling the attention of the House to them at the present moment; for when he saw that those who out of doors as well as some hon. Members within that House, who came forward under a sense of duty to call the attention of the House and the country to the state of the navy, were attacked in unmeasured and even violent language for the opinions they expressed, he must say, that he thought the sentiments of those gentlemen were fully borne out by the expressions made use of by the noble Lord on the occasion to which he had referred. With respect to the merits of the question itself he pretended to give no opinion; that would be better left to those who, from experience and education, had a right to be looked upon as authorities on naval topics. What then were the opinions of a very distinguished naval officer, Sir G. Cockburn, as contained in the evidence given by him before the select Committee on public income and expenditure of 1828? First, with respect to manning the guardships. The gallant Admiral being asked, "Do you think it possible, that they might be kept with a lower amount of permanent men on board them, considering you have the advantage of the blockade service?" answered,

> "They might, but at very considerable inconvenience; I tried that in 1822; I think that was our lowest vote of seamen; I struck the masts of the guardships, and put them into what I call a sufficient state of security, but being in a state to be very soon made efficient; and I reduced their complements to the boats' crews, and the number of men necessary to keep the ships clean, it produced a very considerable degree of dissatisfaction, and after a short time circumstances obliged us to give them again their half complements, but certainly they might be reduced again, though in such a case we should be obliged, perhaps, to take the whole of the coast blockade if we wanted our ships in a hurry, instead of leaving a certain number to carry on the duty as at present; the ships would be as good ships, and they would be ready soon; they are now kept with their masts up, and ready in every respect as ships of war; their masts were struck in 1822, and they had nothing but the boats' crews on board of them."

Now, did the hon. Secretary to the Admiralty think, that having reduced as we had these guardships, it would be possible, if a sudden demand for ships arose, that they could be got ready in a short period? Would it not require at least six months? The whole of the ordinaries at their disposal in each port would not furnish together more men than were sufficient to man a single first rate, or to complete the complements of the first-rates now in commission. But it ought to be considered, that the expense of fitting out a naval force was very considerably increased when that force had to be raised on a sudden. What was Sir G. Cockburn's evidence on this point? Being asked,

> "In case of any sudden emergency calling for a naval force, would not the expense of raising that force, and preparing it for service, be in a very considerable proportion increased upon the whole being to be brought forward on a sudden momentary call?"

Sir G. Cockburn answers—

> "No doubt of that; because we should be forced to give greater pay for exertion to bring forward that which would otherwise be ready; there is no doubt, at least I am strongly impressed with an idea, that there would be great difficulties in doing it at all, if our seamen are intercepted in their way home, and we have no *nucleus* to form upon. Supposing our ships to be all laid up in ordinary, and that we have no men but what can be entered at the moment or pressed, we should be six or eight months, or more, getting the fleet in that view into the state in which it is now, during which time our enemy would be taking all our merchantmen, and our seamen, to French prisons."

He believed, that the gallant Admiral opposite (Admiral Adam) felt as much as himself, that the ports of the country were in a most unprotected state; but perhaps he might find, upon making application for an increased vote to enable him to remedy this, that the Chancellor of the Exchequer might say, "Wait a little; I am in such a situation just now that I can give you no relief. You must wait till next Session, and in the mean time run the risk, or send for as many ships from foreign stations as you can." Such might be the answer of the right hon. Gentleman; but was this a safe policy? That was the question? The hon. Secretary for the Admiralty had admitted, that foreign nations had the most accurate information on other points regarding the navy of Great Britain; did he not imagine they were as fully acquainted with the difficulties of manning our ships, or with the places where they were stationed? The points to which he had alluded appeared to him of the very greatest importance; and inadequate as he felt to do it justice, he was very anxious to impress the importance of the subject of the navy on the House. The hon. Secretary for the Admiralty told them, and told them, he believed, truly, that they had made very great exertions to place the dockyards in a better condition than formerly; but he must say, he did hope the Admiralty would take still further measures to place the dockyards of the country in a still better condition. But he did think, that some blame rested with the Admiralty, for not doing all they might have done. He contended, they might have effected more with the votes they had got from that House. The vote proposed by the Government of 1834 was only for 15,500 men, while the House had voted 23,165 men for the last two years. When the

Admiralty employed this vote fully, and manned a sufficient number of vessels with it, then he thought, and not till then, would they remove from their shoulders the obloquy which had covered them for the last ten months. The hon. Secretary of the Admiralty had stated the difficulty of manning a large squadron in the time of peace. He (Sir G. Clerk) admitted the difficulty to the full, and therefore he declared, that the Admiralty was the more to blame, that they kept their ships laid up in ordinary, and had no *nucleus* on which they might form the necessary amount of men. He was perfectly well aware, that persons brought up to any trade or calling were never found in greater numbers than just so many as were actually wanted to supply the trade with the requisite supply of hands. So in the case of the naval service of this country, whether national or commercial; there would only be found, at any given time, just so many persons qualified for the duties of seamen as were just enough for the exigencies of the King's service and the mercantile at that time. On a sudden emergency, therefore, the difficulty of finding able seamen would be found to be enormous. The only way was to keep up a considerable force afloat; at least this would be a much better course than to be obliged, on occasion of any pressing emergency, to raise entirely new crews, and that too by resorting to violent means, for it could not be done without sweeping the ports of all the seamen who could be found there. He had no wish to insinuate, that the maritime resources of this country were failing, there was no reason to think any such thing; the maritime resources must always flourish while the commercial marine continued on the increase; and he must say, that it was therefore with great pleasure, that he heard of the great increase that had taken place within the last year in our commercial marine. He also heard with much pleasure the statement made by the hon. Member for Kendal on the first night of the Session, in proof of the commercial prosperity of the country, which he might observe had been most satisfactorily corroborated by the hon. Member for Halifax on Monday last. But if 200,000 seamen were, as was stated, employed in vessels mostly now abroad, the inference was, that there remained but a very small number of seamen in our harbours; and let it be remarked, that to render any number of these men available for manning the navy, on any occasion when they were speedily wanted, the Admiralty must resort to the employment of press-warrants. This would be absolutely necessary, if we meant to provide for the safety of the homeward-bound fleet; because, if we were not able to send out vessels immediately on the emergency of any sudden declaration of hostilities into the Channel, it would swarm with privateers and cruisers, who might inflict the severest injuries on our trade. Therefore it would be necessary to resort to the measure he mentioned, or, in order to avoid it—for press warrants would perhaps now find less favour in that House and with the country than they had at former periods—they must adopt the alternative of keeping a large body of men afloat. For his part, he should ever maintain the necessity and policy of the Admiralty's keeping possession of the power of issuing press-warrants on particular emergencies; because he thought that the existence of Great Britain as a nation might come to depend on the exertion of that power to the fullest extent. With respect to the demonstration-ships, of which so much had been said, would the House believe that they—not one of them—had a mast in them,nor any stores aboard, and that it would take a considerable time to equip them for sea? This was the case of those demonstration-ships, which ought to have been ready for sea at a moment's notice. The Ganges had required much to be done to her before she was fit for sea: she had to be caulked, and in part newly-coppered, before the men could be put aboard her. The Powerful had not yet been able to sail. The hon. and gallant Admiral seemed to dispute this, but he spoke with the full knowledge that the Powerful had sailed from Sheerness; it was quite true she had sailed from Sheerness, but it was only to Portsmouth, and for what purpose he begged to ask? Why, to get men to complete her complement. He thought, if he required a complete proof of what he had been stating, this case furnished it—furnished a complete proof that if nine, or ten, or twelve, line of battle ships were wanted on a sudden, instead of being able to fit them out in three days, as Sir G. Cockburn had done in 1827, when it was determined to send a force to Portugal, the present Board of Admiralty could not have them ready in three months. For it was quite certain, that though the Powerful might take only six weeks to fit for sea, yet if seven or eight second-rates had to be got ready at one time, they would find that each of them would take nearer three months than six weeks to equip. In his opinion, and he believed others who knew more of the subject thought with him, the demonstration-ships ought to have all their masts up, and all their yards and stores on board, so as to be ready to put to sea at a very short notice. This, he thought, ought to be done, and when the Admiralty defended themselves for not doing it, by referring to the order of his right hon. friend (Sir J. Graham) who introduced those ships, they must be sensible that they had quite departed from the principles of that order, and had reverted to a system which rendered those ships more like ships in ordinary. He would again entreat the attention of hon. Members to the effects of this, and of a contrary system, as contrasted in the evidence he had already quoted. Sir G. Cockburn said, "in the years 1787 and 1790 we had to make large naval armaments in consequence of our force being kept down for peace, as it was. Whenever we had any dispute with any foreign nation we were obliged immediately to make an armament to get thirty or forty sail of the line ready, though we did not know we should go to war, on purpose to avoid the evils I have mentioned; whereas the other day, when the difficulties with Spain and Portugal arrived, I was sent for by Mr. Canning to be consulted as to what preparations might be necessary, and my answer was, 'Nothing; we need not do anything, for we have our ships ready; we have got the men on the coast blockade, and whenever you tell me it is necessary to make a movement, I will answer for having twelve sail-of-the-line at sea in three days; and so it took place, for, though nothing was said to anybody, and it remained a perfect secret with the Cabinet and myself till the message went down to the House, in three days afterwards twelve sail-of-the-line were ready to proceed.'" Was it possible that expedition like this could be made now! If the noble Secretary for Foreign Affairs were to notify to the Admiralty that it was necessary to send a squadron of even three or four sail-of-the-line to the West Indies or the Gulf of Mexico, what would be the answer? Would they be ready in three days, as the twelve sail-of-the-line were in 1827? He would venture to say, they would not be ready in three months—nay, that it would be six months before they were ready. The gallant Admiral appeared to deny this; he should like, therefore, to know whether the gallant Admiral would consent to the appointment of a committee of that House to inquire into the state of preparation in which the Admiralty would be able, if called upon, to produce eight or nine ships of the line, in a few days. He should like to know whether the Admiralty would consent to such a committee, and would lay before them such information as would enable them to judge for themselves. Still, as he said before, he believed that great exertions had been made of late; that there had been a considerable conversion of stores, manufacture of sails, and manufacture of masts; but he must object to the hon. Secretary of the Admiralty stating that when they came into office they found many difficulties to contend with, all of which were owing to the ill-judged parsimony of the Tory Government. This formed the exordium, the middle, and the end of the hon. Gentleman's speech. It was true that there was a reduction of expenditure under the Government of the right hon. Baronet in 1834, but then it must be remembered that the money vote was always proportioned to the number of men that were voted, and that the number of men in that year was greatly reduced below the rate of former, as well as of subsequent years. But the hon. Member seemed to state also that the state of the stores in 1830 was deficient. At this distance of time, not having the advantage of any official documents to which to refer, he could not be quite accurate; but he thought on that subject he might appeal to the hon. Member for Kilkenny, whose complaint at that time was, that they were always accumulating stores. If they had erred then, they had erred on the safe side. The hon. Member seemed to say, that a new system had been introduced, and found great fault with the stores being appropriated to particular vessels. He would ask had not all the ships' stores been so appropriated? The only question that could be raised was as to the number of ships as to which those stores could be appropriated. But he understood, that if a ship of the same class were to be put into rigging, the same stores would be given to that ship. That seemed to be a system which was found fault with. He apprehended, that that must be the system which was still pursued by the present Admiralty, and the only question as to the appropriation of stores would be the number of ships to which they could be appropriated. The hon. Member had made some observations upon a speech said to have been delivered by the Earl of Hardwicke, with regard to the efficiency of the navy. He understood his argument to be this—the First Lord of the Admiralty asserted, that he had thirty sail-of-the-line in ordinary, with full complements of masts, sails, rigging, and stores, and of those thirty ships, there were thirteen demonstration-ships, peculiarly fitted for sea. Was the Revenge one of those ships? She was one of the thirteen fitted for sea. If the masts and sails were not complete, they could have put masts and sails into her; but that would, in the same way, have made one of their other thirteen ships want masts and sails. [Sir *C. Adam:* No.] He believed the Government had lately caused great exertions to be used in making masts; he believed they had a greater stock now than last year. Since the time of the observations made by the Duke of Wellington last Session, on the state of the navy, greater exertions had been made; and he thought that those persons who had joined in that debate, were as deserving of praise for causing those increased exertions, as the hon. Member for Bristol, the other night, had said Captain Berkeley was, in stating that the increased complement of ships had been so speedily determined on by the Admiralty, since he had put forward his pamphlet on the subject. The same observations, with regard to the stores at Portsmouth, would apply to the establishment at Plymouth. It had been stated, that ten sail-of-the-line were to be provided out of Plymouth harbour, and he found that they had not topsails for that number of ships at Plymouth. [Mr. *Wood:* No, no.] What had been the statement of the Admiralty the other night?—that, instead of complete sets of sails for ten sail-of-the-line, they had complete sets for seven sail only, and these would not make out their complete thirteen sail-of-the-line. He thought the noble Lord had been perfectly justified in saying, that the statement of the Admiralty was an incorrect one, that they had provision and stores and masts and sails for thirty sail-of-the-line. He must call the attention of the House, in the next place, to the reduced complements of the Cornwallis, the Wellesley, and the Ganges. He altogether denied the power that the Admiralty had assumed of altering the rating of any particular ships. He saw that these three ships were 74-gun ships, third-rates, and they were rated as fourth-rates. Now, he contended, that that was using a power which the Admiralty did not possess. Her Majesty, by an Order in Council, declared and made public to all the world, the rating of the ships in her navy according to the number of men belonging to them on their war complement, and the pay of the different officers depended upon the rating of the ships. It would, therefore, be a most injurious power to grant to the Admiralty that they were at their discretion to reduce the rating of the ships, and call a third-rate a fourth-rate, and deprive not only the captain, but the whole of the petty officers, of a portion of their pay. This was what a number of the petty officers could not be aware of. The number of men might, in this way, be varied from third-rate to fourth-rate. What was the rating of the Cornwallis? She had the same complement as the other 74-gun ships. Was she still a third-rate? She was reduced to a fourth-rate. The power of altering the rating of ships was never claimed by the Admiralty before. He was aware, that it had frequently happened that vessels of that size had been employed as troop ships, armed *en flute;* but this was the first time it had ever been attempted to give a troop-ship carrying an admiral's flag a lower rate. They had decreased the complements of the Wellesley and the Cornwallis, and the rate of the petty officers had been decreased accordingly. He much doubted, whether these petty officers might not bring an action to recover the amount of their pay. He thought it his duty to call the attention of the Committee to this point, because it was an usurped power. He felt that he had troubled the Committee at great length, but certainly after the speech of the hon. Gentleman, he could not be content to say less than he had said. He certainly did hope, that an alteration would be made in the number of men in the service. He believed it had been stated that it was not necessary to have ten sail-of-the-line in the Mediterranean. If it was not, why keep them there? Would it not be better to keep one or two of them cruising in the Channel? The crews would be quite as well disciplined. He thought it highly improper, that there had been no force at Mexico to protect the merchantmen. The coasts of the St. Lawrence and Newfoundland were also unprotected. There were many points of detail in the speech of the hon. Member, the Secretary of the Admiralty, to which he should like to have alluded, but he would not longer detain the Committee.

Admiral Sir *C. Adam* rose to address the Committee with great reluctance and diffidence, for he was aware, that he was by no means competent to follow so practised a debater as the hon. Baronet. The statements of the hon. Gentleman as to matters of fact were such as he could answer, and he was much mistaken if he could not answer them to the satisfaction of the hon. Gentleman, who sat behind him, and of the public at large. The hon. Baronet had commenced his speech with a reference to the question of foreign politics, into which he did not propose to enter, as there were other Gentlemen who were not only more competent than he, but whose peculiar province it was to discuss that question. The hon. Baronet had then proceeded to the subject of having guard ships in our ports, and maintained that we now pursued a bad mode of keeping up a force for defending our shores. Now, eleven half-manned guard-ships were certainly better than nothing at all. He remembered when the necessity occurred for sending a force to Portugal. These ships were brought forward in a most effective manner, and did their duty well; but then they only went armed *en flute* to convey troops; and at all events their complements were not full, or they could not have carried troops on board. When it became necessary to send troops to North America he would maintain that it was done with no less alacrity and promptitude, and in a manner which did infinite credit to the officers and men who had to undertake that arduous duty in the middle of winter. The light ships, which were commissioned in April 1836, were made ready for sea in three or four months, and put in such a state that they were sent to join the Mediterranean fleet and were ready to perform the same services which any other ship of the squadron could perform. As to the allegation that the shores of the country were undefended, he was prepared to deny the fact, and to disprove it. In the course of last summer there were three line-of-battle-ships in the three ports which had been referred to, and which could readily be made effective in a very short space of time. Besides these three ships, which were constantly here, there were in the Tagus, within a few days' sail of our shores, and constantly sailing backwards and forwards, the Hercules, the Edinburgh, the Minden and the Hastings, the two large frigates Pique and Inconstant, and some sloops and other vessels. At the same time there were in the St. Lawrence, under Sir C. Paget's command two line-of-battle-ships, independent of those going and coming—the Cornwallis and the Malabar. These were two of the ships which at the time the right hon. Baronet came into office were called demonstration-ships, and the right hon. Baronet proceeded to put them in a state ready for commission, by putting masts up, water tanks in, rigging them, and in the summer they appeared ready for sea, and this was the state in which they were when he was called to the Board of Admiralty. Shortly after he came into office, it was thought necessary to commission the Hercules; and so far from that vessel being in a better state of preparation, in consequence of the manner in which she was previously rigged, the fact was quite the reverse. He did not mean to blame the right hon. Baronet, who put this and the other ship in that state, nor did he mean to say, that there had been any neglect on the part of the proper officers in not reporting them to be in the state in which they were afterwards found. Every sailor knew that when a ship was to go to sea, everything about her was examined with great care, and defects were seen which would not appear on a cursory examination. In this way the state of the Hercules had been discovered, and she had to be completely unrigged and re-rigged; so that instead of being in a greater state of preparation from what had been previously done, time was absolutely lost in the unrigging and re-rigging. It was found, too, that the lower masts from having been two or three years longer exposed to the weather, were so much the worse that it was necessary to change them also. The Admiralty, consequently, instituted a close and minute inspection of the masts and gear of the different vessels, and ultimately came to a resolution to remove all the masts and everything connected with these ships into stores appropriated to them, where they were kept regularly tallied, and ready for use. The effect of this was, that masts instead of being exposed to all weathers, were now kept under cover, and instead of being bleached by the frosts of winter, and dried by the suns of summer were kept perfectly ready to be put on board ship the moment they were required. He (Admiral Adam) maintained, from the experience he had had, that this was a much better system than that adopted by the right hon. Baronet—not that he thought any blame attached to the right hon. Baronet or the Board of Admiralty, of which he was the head. On the contrary, the system adopted by them might have answered very well if all the stores and sails had been new and perfect. But unfortunately a large part of the supply of stores had been left at the end of a long war, when the six hundred pennants were flying which the hon. Baronet had talked of. When so large a portion of these were broken up, the stores which accumulated could not be got rid of; it was necessary to use them as they were wanted. With respect to the deficiency and unserviceable state of the stores, his hon. Friend, the Secretary for the Admiralty, had not attributed blame to the right hon. Baronet opposite. A large portion had, indeed, been found so much deteriorated that it was absolutely necessary to get rid of them. But it would have been foolish and absurd to get rid of them so long as there was a chance of their being of use. But when he (Admiral Adam) came to the Admiralty Board, his noble friend now at the head of it did find the stores in such a situation as to make it it necessary to provide immediately an addition, nay considerable additions to them. In January 1836, they began to supply the deficiencies which they found, and it was not after or in consequence of the Duke of Wellington's speech on the subject. He maintained, that the Duke of Wellington's speech had no effect whatever on the system adopted in supplying the arsenal. That speech had indeed the effect of producing a pamphlet from a flag officer, full of innumerable misstatements and wilful misrepresentations, which had been so ably exposed by his hon. Friend near him (Mr. C. Wood) last night. He would not say anything with respect to those stores of rigging that had remained in the arsenal, and to which the hon. Baronet (Sir G. Clerk) had alluded as not attached to any ship. According to the former system stores had remained for twelve months in some cases, labelled with the name of a particular ship, after she had been condemned. It was found extremely inconvenient to have stores appropriated to particular ships, because an officer would often hesitate to take what he wanted from one of these complete sets, however great might be his need. It was, therefore, determined to have no stores kept ready for particular ships, except for those which were called demonstration-ships. A general store was kept for general purposes besides. Now, with respect to the flag-ships of Sir Frederick Maitland, Sir Charles Paget, and Admiral Elliot, stationed at the East Indies, the Cape of Good Hope, and the West Indies, the facts were these:—The predecessors of these gallant officers had hoisted their flags in a large class of frigates; but it was suggested, and Sir George Cockburn approved of the system, that it would be for the convenience of the admirals, and also for the advantage of the service, to employ, instead of these large frigates, small seventy-fours, of which there were unfortunately so many in the service. That there were so many of these vessels was neither the fault of the right hon. Baronet nor of the present Board; but being in existence they could not be burned, consequently they must be used as long as they were fit to go to sea, and as long as the necessary repairs were not too great. Nor was it to be supposed, that these seventy-fours were perfectly useless; for it happened, that by far the largest portion of the Baltic fleet consisted of seventy-four gun ships precisely of this size, which had been so much complained of. But he was referring to the employment of seventy-fours as flag ships, instead of large frigates. There had been several reasons for it—the first he had mentioned, the advantage of using these seventy-fours. The next was the accommodation which such vessels afforded to the admirals and the various persons employed about a flag-ship. On the West-India station the convenience was particularly great, where whole battalions might be conveyed from one island to another with the greatest ease, in consequence of the facilities which the clearance of the lower deck afforded. But the hon. Baronet (Sir G. Clerk) had brought a heavy charge against the department to which he had the honour to belong. It was no less than that they had acted in contravention of the King's Order in Council; that they had made ships of one rating which were properly of another, as in the case of the flag-ship so often referred to, by removing the lower deck guns, and reducing their complement to the amount of frigates. But the hon. Baronet did not seem to recollect, that the King's Order in Council merely prescribed, that the complements should not exceed a certain number. Certainly, the hon. Baronet's construction did appear to him to be an overstraining of the meaning of the Order in Council. Another advantage of these seventy-fours was, that they were stronger ships and carried a heavier burden than the frigates. But, after all, how did it come about, that these ships were employed? One would suppose, that the present Board of Admiralty were entirely to blame, if the matter of blame properly attached anywhere. But what would the House think when he told them, that this arrangement had in fact been determined on when Earl de Grey was at the head of the Admiralty. When a gallant Friend of his (Sir Peter Halket) was appointed to succeed Sir George Cockburn on the West-India station, upon the appointment of Sir George Cockburn to the Board of Admiralty, he was promised to have a seventy-four as a flag-ship without its lower-deck guns. He made the request, and proposed to the Board to be allowed to hoist his flag in a seventy-four, as not being attended with more expense or difficulty than the use of a frigate. The hon. Baronet had also complained, that there were too small a number of ships on the coast of Mexico when the French first went to blockade it. An order had been sent from the Admiralty to the commander on the nearest station to pay particular attention to that coast, and to station ships there. It had happened from the admiral being in the St. Lawrence, and from some other untoward circumstances, that the whole number of ships intended had not been placed there. His noble Friend at the Head of the Foreign Department, when he found that so large and important a squadron was proceeding under the command of Admiral Baudin to the Gulf of Mexico, immediately determined to send a squadron there also, for purposes, which, as it was not necessary now to explain, he would not enter upon. That squadron was composed of line-of-battle ships and large frigates, which were at that time in this country, and as there did not appear any reasonable cause of alarm from the Russian fleet, it was not thought necessary to keep them for the defence of our unprotected coast, but rather to employ them where it was considered their services might be useful. The consequence was, that Sir Charles Paget was directed to proceed himself with the Cornwallis, the Edinburgh, the Malabar ships-of-the-line, the Madagascar, and the Seringapatam, the Inconstant, and Pique frigates of the largest size, and six or eight corvettes and sloops. But the business of this squadron was not to prevent a blockade. The French had a perfect right to blockade the coast of Mexico, or any port of a country with which they were at war—quite as good a right as this country had to blockade the port of Carthagena. But it was said, that the French had been left unwatched. It was true the English squadron did not arrive in time for the taking of St. Jean d'Ulloa; but that was of little consequence. They would have had no right to interfere with what the French were doing on that occasion. When a squadron was wanted in the Gulf of Mexico, a squadron proceeded to that service. [*An hon. Member:* "Too late."] By no means too late for the object intended. The object had never been to prevent the French from blockading the coast of Mexico, or taking the castle of St. Jean d'Ulloa. He denied, that it was too late, although it had not arrived so early as had been intended, owing to circumstances to which all maritime operations were liable. Amongst these was the unprecedented long passage of the ship that carried out both the original and the duplicate despatches. He was not aware of any other point necessary to touch upon. If he had neglected anything, he was persuaded, that there were several hon. Friends behind him who would supply his deficiencies. He could not sit down without alluding to the case of the Revenge. The Revenge was one of those ships intended to be demonstration-ships. The Revenge had lately come from the Mediterranean, and paid off, so lately, that the repairs were not ordered till a few months ago. The repairs were not completed yet, and were reported not to be ready till April. It was no extraordinary thing, that the main mast of a ship requiring some repairs should not be finished at the time spoken of. There was one subject to which the hon. Baronet had alluded which he approached with great reluctance, and that was the peace complements. After all that had been said about them, he maintained now, as he had said last night, that the extreme complements necessary for war ought not to be put on ship board in the middle of peace. In time of war, a much greater force was required for managing the sails, anchors, and cables. In peace time it was perfectly well known, that without the war complements, line-of-battle ships could not be manœuvred with all the exactness, adroitness, and celerity that could possibly be required. And he maintained, that it was better to keep eleven line-of-battle ships in commission, with reduced complements, than ten perfectly efficient and ready for war, because it was affording opportunities to a great number of officers for learning their duty, and fitting themselves to take their part hereafter in protecting the trade and commerce of the country. With regard to the reduced complements of the seventy-fours, which had been cut down to frigates, he could see no reason why they should not be reduced. The masts, yards, and sails in a frigate were really larger, and she was in some respects more difficult to manage, from the upper deck being cut off, and from dropping in her courses more. Whether the new complements might not be somewhat increased, he could not now discuss; but his opinion certainly was, that they were at present too small. But with respect to the statements which had been made on a former evening of a gallant Officer who thought it necessary to unbend his sails, and make an excuse to avoid being beaten, in furling and loosening them by the ship of a foreign squadron, he confessed, that it did surprise him. He would say, that if that officer would, like Hercules, put his shoulder to the wheel to teach his men and officers better, such things would not happen. With respect to Captain Berkeley's pamphlet, he had denied, and denied again, that there had been any difference between the Admiralty and Captain Berkeley, excepting upon certain points connected with the peace complements, in which Captain Berkeley was opposed by every member of the Board. He was sorry, that Captain Berkeley had so far forgotten himself as to take a step unjustifiable in any member of a Board—to appeal to the public in a printed pamphlet—especially at a time when he knew that the very subject upon which he differed with his colleagues was under their consideration. The scheme now proposed was to fix proper complements, still preserving the peace establishments. If it were not carried to the full extent, it would still go far to remove the evils complained of, and it would be carried to an extent that would give satisfaction to the country. He was sorry to be obliged to speak on this subject. He regretted, that Captain Berkeley had put forth his pamphlet in the manner he had done—having but one feeling towards him as an individual—an officer, and a member of the Board of Admiralty. He maintained again, that it was not Captain Berkeley's pamphlet that caused the increased complement to be adopted; and he, therefore, denied the inferences that had been drawn by the hon. Baronet opposite.

Sir *James Graham* said, that many years had now elapsed since his official connexion with naval affairs had terminated. During that interval, his attention had been directed to other subjects. Whatever he might think of the measures adopted by his successors, with respect to those in which he himself bore a part he had been content, and was still content to leave them to the unerring test of experience. In the large changes which it was his lot to introduce in the most important branches of naval administration, he had had the good fortune to be assisted by naval officers of the highest reputation, amongst others by an hon. Friend, who was at that period his colleague, but who, much to his honour, still thought the post of difficulty the post of honour. Satisfied, as he was, that the measures then adopted would bear the test of discussion, if he was entitled to any share of the credit which might attach to them, he would not shrink from the responsibility of defending them. He referred with pleasure to the opening statement of his hon. Friend, the Secretary of the Admiralty, made the other evening. He was convinced that the great ability, clearness, and knowledge of the subject evinced in that statement must have been felt by the whole House. If he might express regret without offence, he certainly was rather sorry that the hon. Secretary had given to the subject somewhat of a party tone. He should be extremely sorry to twit the hon. and gallant Admiral (Admiral Adam) with the difficulties he might have in this House. His character was not formed there as a debater; it was formed in a very different scene. In his profession, he was universally known and acknowledged as a brave, gallant, and distinguished Officer, who had won the respect and affection of those under his command. But he regretted that he had been led to speak in a somewhat dictatorial tone on this subject. Something had been said by the hon. Gentleman, the Secretary for the Admiralty, of paragraphs in Tory newspapers. Why, he might as well have complained of paragraphs in the Radical newspapers. It had been made matter of congratulation, that his connexion with the Admiralty had ceased, and the efficiency of the service raised by the termination of that connexion. He would not be led by such comments in anything he might offer to the House on the present occasion, or induced to adopt a party tone. He thought the question for them to decide was one of paramount and national importance, namely, whether the British navy was in a state on the first emergency to maintain the honour of the British flag, to secure the protection of this country, and to preserve peace amongst the nations of the world. All the other questions, whether one was a little more to blame, or another a little less to blame, he would altogether surrender. No one would contend, that in so difficult and arduous an administration, and amongst the shifting and varying circumstances in which it was carried on, there might not be some errors committed. The great question was, taking a general view of the subject, were we well prepared or ill prepared for any emergency that might arise. Something had been said with regard to a gallant Friend of his, who was also a Colleague—he meant the brother of the hon. Gentleman whom he saw opposite (Mr. F. H. Berkeley). He regretted, that that gallant Officer had been led so far astray by the example of the Secretary of the Board—that, being a Member of the Board, he should have appealed from decisions not yet concluded by the Board, to the profession generally, and to the public at large. He thought it an error of judgment on the part of that gallant Officer. He did not see how it was possible, that an Administration upon such a publication could take any other course than to declare the connexion terminated. On the other hand, in the opinions expressed in the letter of Captain Berkeley he entirely agreed. He regretted very much the reduction of the peace complements in 1834. He was bound to say —with all respect for the naval officers who concurred in the opinion, that that reduction should be made—that it was not a judicious reduction; and he especially admitted it with regard to the *razée* frigates, as they were called—to those of the fourth class—and to the new frigates of the fifth and eighth classes. Captain Berkeley said—and it was strictly true—that the size of the masts and yards in those ships made the labour of working them excessive; and on almost all occasions, even in smooth water, to put the ship about, all hands were called up, thus interrupting the comfort of the men, and interfering in every way with what rendered the being on board a man-of-war desirable. This was the result of their ships being under manned. It operated seriously against voluntary enlistment. But why discuss this matter further? A fresh armament had been decided on, and he thought wisely decided on by the Board of Admiralty. New complements were to be given to the ships, and he thought this most desirable, however it had been effected. He had nothing to regret in connexion with this matter, except that Captain Berkeley had lost his place at the Board; but even here there was some consolation, for if Captain Berkeley was lost, Sir John Pechell was restored to the Board of Admiralty; and he believed, that in her Majesty's service, there was no Officer more efficient in his peculiar branch. An hon. Gentleman had given him (Sir J. Graham) the other night more credit than he deserved for the introduction of a system of naval gunnery into her Majesty's service, to which he attached the greatest importance. He was bound to say, that the first suggestion of it he had found in the department left by Lord Melville and sanctioned by Sir George Cockburn. The first recommendation of it had been by an officer in the navy, Capt. Smith, he believed; and his attention had been further called to it by a pamphlet of Sir H. Douglas, who pointed out the great deficiency in naval gunnery; and the melancholy experience of the American war had tended to confirm the same impression. He had also thought, that the time had arrived when it was prudent to diminish the expense of the marine artillery, and it had been reduced from eight companies to two, leaving a nucleus for forming a force in case of war approaching. But while he thought it of importance to reduce the expense of the marine artillery, he found, that with very little additional cost, improvements might be made in naval gunnery. In this, however, he could not have succeeded to his own satisfaction, or the satisfaction of the country, without the assistance of Sir John Pechell, who gave his undivided attention to the subject, and who, being trusted by his present colleagues as he well deserved to be, would continue his services with equal efficiency. He was sorry that the hon. Gentleman, the Secretary for the Admiralty, was pleased last night to taunt the Administration that immediately preceded the present. He thought, that justice ought to have restrained him from doing so. Earl de Grey had a very short opportunity of presiding over the Admiralty. He did not think, that Earl de Grey's Board, considering the circumstances under which they undertook the management of public affairs, and the short time during which they directed them, could be held strictly responsible for deficiencies found in 1836 in the stores or general arrangements. If there were deficiencies in 1835—if there were any deep-seated neglect on which the hon. Gentleman opposite could put his finger, he was the real person responsible—he, and the Administration of which he was a member. With regard to the stores, he had come prepared with documents that would terrify them. If he were to go into them, the House would never wake again. The decision as to the coast-guard was also sustained by official documents. So would his defence be for reducing the marine artillery, and for introducing the system of naval gunnery. There was also that most entertaining subject, the substituting day pay for task and job work in the dockyards. He really believed they would consider him the most unreasonable man, and also the most tiresome man in the Committee, if he were to enter on such subjects at that moment. With reference to the great subject now before the House, it was better not to embarrass it with such things. But there was one matter of great importance, because it touched the permanent efficiency of the service, and that was, the state of the stores. On that point a debt of justice was due to Lord Melville, his immediate predecessor. He should consider it inexpedient, even if he had the materials, to state the present amount of the stores. He had not the official information necessary to do it. If he had, he would not use it; and not thinking it right to use it, he would not ask for it. But there was no objection to mentioning the state of the stores as he found them at the end of 1830, and as he left them in 1833. He would state to the Committee, the principal naval stores in which the maintenance of the efficiency of the navy depended. He would vindicate himself from reproach, and show that, notwithstanding the economy—the rigid economy he had endeavoured to introduce, no branch of the public service had been left unprovided with those essential necessaries, without which it could not be safely or efficiently conducted. On the other hand, it was only justice to his predecessor, who left these stores, to state that against him he had no right to complain. His hon. Friend, the Member for Stamford (Sir G. Clerk), had said to the hon. Gentleman opposite with the utmost fairness, that if he had any complaint to make against the amount of stores left by Lord Melville, he challenged comparison with the present amount of stores, and was ready to go into the examination with him upon any one head. He (Sir James Graham), was ready to go into a similar comparison; but, for the present, would content himself with submitting to the House, a statement of the amount of stores left by him in 1834 as compared with those left by Lord Melville in 1830. And if they were not in all cases quite so great, he was satisfied that they were in every respect sufficient for the wants of the service. He would not weary the House with details, but state the gross amount of the principal articles. On the 31st of December, 1830, he found 56,633 loads of timber—he left 59,671. He found 3,932 tons of hemp—he left 7,221. He found 4,154 tons of yarn—he left 4,188. Of cable and cordage, he found 3,500 tons, He left 3,038. He found 33,600 bolts of canvass—he left 30,000. He found 2,569 anchors—he left 2,441. He found 725 chain cables—he left 858. He found 10,529 iron tanks—he left 9,453. Of lower masts for ships of the line, he found 170—he left 151; of lower masts for frigates, he found 167—he left 191. He found 371 top-masts—he left 394. He found 895 spars for top-masts—he left 995. He found 452 spars for lower yards—he left 422. There was a combination in the market to keep up the price of hemp. What was the course, then, that he pursued, when he found that there was a deficiency in the stores, and that there was no preparation made for having a proper supply of steam-engines for vessels of war?—he came down with a special estimate to the House of Commons, and without any difficulty he obtained what was necessary. Such, then, was the state of this department in the important article of stores; but that was of secondary importance compared to the state of the ships themselves. It was a matter of the very highest importance, that the ships themselves should be in a state of prompt preparation. He agreed with what the present head of the Government had said elsewhere, and what had been repeated here to-night, that the number of ships that were and ought to be in commission was not an Admiralty question, but a Cabinet question; and it was one, too, which must vary according to the state of affairs, and according to the views of the Government generally, as to whether there should be any want for a naval force in a given time, and whether a demonstration of the naval power of this country should be made in any part of the world at a given period. It did not then follow because his noble Friend (Lord de Grey) had in 1835 only asked for 15,000 seamen instead of 20,000, that he acted improperly. The question to be asked and the question to be considered was, was he not justified in so acting in reference to the foreign relations of the country at the time? The force that a Government ought to ask for ought to be the smallest that would be sufficient for the purposes of the country. He did not think, that any fanciful apprehension nor any vain desire to make a useless demonstration of the force of this country could justify a Government in asking for a single man beyond what the actual necessity of the case required. This was his opinion, and he might illustrate it by his own conduct, which had met with the approval and concurrence of his hon. colleagues whom he saw opposite. In the year 1831 he came down to Parliament, and asked for an increase of 4,000 seamen and 1,000 marines. He had raised the number of seamen from 18,000 to 22,000, and the number of marines from 9,000 to 10,000; and during the years 1831-32 his colleagues had conducted the Dutch blockade, and had also a fleet on the coast of Portugal, which was the means of placing her present Majesty on the throne of that country. Before he left office, however, he had reduced the sailors by 4,000, and the marines by 1,000. The present state of circumstances, he was sure, would be found to justify the present Government in making an augmentation. The hon. and gallant Admiral had referred to the demonstration-ships, and the Secretary to the Admiralty, who was a very severe critic, had declared, that the name of "demonstration-ships" was a very absurd one. This he believed was declared by the writing, not the speaking secretary. He was not there to defend the particular nomenclature, but he was there prepared to defend the principle upon which such a measure had been founded. He did contend, that demonstration-ships on the principle that he had laid down might be made immediately available not only in Europe, but to the utmost extent of the civilized world, and at their most distant possessions, and this, too, with a due regard to the safety of the shores of England. Upon this point he must say, that he differed with his hon. Friend as to the guard-ships; for he said, that whether they looked to the discipline of those ships, or to the state of the men, he could not believe, that they constituted a reserve on which reliance could be placed in time of danger. He hoped the House would pardon him if he read for them his opinions on the subject. He had obtained an official copy from the Board of Admiralty, stating at the same time, that it was his intention to use it in the House: it was given, too, with this understanding. It was a minute left by him at the Board of Admiralty the day he left office, and in which he laid down opinions that, as they were written, were more distinctly expressed than he could speak them; and they referred to the principles that ought to be acted on with respect to demonstration-ships. The minute was as follows:—

"Admiralty, June 14, 1834.

"As my last act before leaving this Board, I consider it my duty, in the most earnest manner, to impress upon my successor the paramount importance of keeping at all times ready to receive men, twelve sail of the line, and six large frigates, in addition to the ships which may be in commission. When I say, ready to receive men, I mean their standing rigging over the mast head, their topmast pointed, their lower yards across, all their internal fittings complete, and their ground tier of tanks on board. On a sudden emergency it is impossible to calculate the advantage which this state of preparation affords; and I speak from experience when I declare, that if reliance be placed on a state of ordinary to meet the exigencies of a sudden armament, with efficient dispatch, disappointment will ensue, and national danger may be the consequence. France, Russia, all the naval powers, keep constantly a large portion of their fleet in this advanced state of preparation; but when I compare the number of their ships, and the limited sphere within which they move, with our reduced peace establishment, and our ships of war in commission, scattered throughout the world for the protection of our commerce, I am convinced, that prudence and policy dictate the necessity of having a force concentrated and ready in our harbours, at once to proceed to sea, at soon as men can be obtained. This force should be equally divided between Portsmouth, Plymouth, and the Medway, to prevent confusion, and to insure celerity when an armament takes place; and the admirals and captains superintendents, at those ports should be held strictly responsible for the constant state of perfect efficiency in which these ships should be kept without fail. Their rigging must be removed from time to time, and their masts and spars overhauled; but the cost is insignificant compared with the national advantage of having this force instantly available, without the risk of disappointment. To insure these ships being constantly ready, I would recommend, that as ships of these classes are brought forward for commission, they should be taken from the number thus prepared. I have mentioned the raising of men as the necessary limit to dispatch in preparing for sea. I may be allowed to observe, that the coast guard, as now constituted, is to a certain extent a reserve of prime seamen; but whatever measures may be adopted, founded on registration, to regulate compulsory service, it never should be forgotten, that in moments of real danger impress alone is the sure and rapid means of obtaining the necessary supply, and the surrender of this prerogative of the Crown will, in my judgment, be the death-blow to the naval supremacy of this country."

This was the opinion which on this subject he had placed upon record. There was one point to which he wished more especially to refer, viz., the coast-guard forming a reserve in time of imminent danger. The coast blockade consisted of 2,500 men, and cost the country 150,000*l.* They were only a guard for the coasts of Kent and Sussex, and it was a civil and not a naval force. His noble Friend, who was at the head of the Government when he was in office, surrendered the patronage of the coast-guard, that which was the most useful patronage which a first Lord of the Treasury could command. The situations were given to the supporters of the Government, amd no patronage could be more useful to any Administration. Now, the noble Earl, when he was satisfied that a naval object could be attained by the surrender of the patronage, did not hesitate a moment in surrendering it; but, in doing so, he said that he should have security that it could not be jobbed afterwards, and that all the situations should be applied to naval and not civil purposes. The Admiralty had now only a control over the appointments which were given to officers, who, on paying off ships, recommended men after three years' service, and who, with such a recommendation, had a right to the appointment of boatmen. What then was the advantage of this arrangement? That the whole of the coast of Great Britain and Ireland was surrounded by a force under the command of naval officers composed of seamen, and those the best seamen. And, with relation to the pensions which they were permitted to receive—for what purpose were they permitted to have them? As a retaining fee, in order that the Admiralty might be able to call on them to go on board ship, with the intimation, that if they refused, they would lose their pensions, as if the necessity arose, they should be compelled to go. The coast blockade consisted of 2,700 men, while the new force, under new discipline and naval control, consisted of upwards of 5,000 men. He had the authority of a very able and distinguished officer, Captain Bowles, that in substituting the coast-guard for the coast blockade there was a saving of from 50,000*l.* to 60,000*l.* a year. That was the direct saving; but the fiscal saving was incalculable; as smuggling had never before been effectually suppressed, and now it was suppressed completely. He had been led further into this subject than he had intended to go; but he was very glad to hear that Government had appointed a commission to enquire into the subject. He was not prepared to say that a coast guard might not be maintained at a less cost; but then he hoped that the Government would think twice before it put down the system of coast-guard and recommenced the system of the coast blockade. He had, he owned, entertained an apprehension that there was about to be a departure, by the present Government, from the rule laid down by him with respect to the demonstration-ships. Before, however, he ventured to express an opinion upon this subject, he had consulted Sir Thomas Hardy. He had reminded the gallant Admiral, that the plan was adopted in strict accordance with his opinions, and those of the late Admiral Dundas, –a man whom he could not name without declaring his affection and respect for his memory, and saying that he was, without exception, one of the most upright, disinterested public servants that had ever entered into the service of her Majesty. The question he had put to Sir Thomas Hardy was, whether he thought the rule that he had laid down with respect to the demonstration-ships was advisable, and he thought that in candour he was bound to read the answer he received. It was this:—The admiral stated, that 'it certainly was his opinion, as well as that of Admiral Dundas and the other Members of the Board of Admiralty, that with a view to the necessity of any sudden armament, it would be of advantage to have four ships-of-the-line in Portsmouth, Plymouth, and the Medway, with their several stores prepared, and in such a state that they could be got into readiness with the least possible loss of time. Experience, however, had shown that continuing ships in that advanced state of preparation was not advisable, because the rigging required to be refitted, and the mast repaired." He added, that "he thought it would be of more advantage to the service to have the rigging and masts prepared and marked for each ship, but kept in the dockyards until the time when the vessels were required for service" He had entertained, he said, a different opinion, and believing it to be a point on which some of the public anxiety had been excited, he thought he was right in stating this to the House. Everything depended under this arrangement to the preparation of the most minute particulars, and these being ready at once to be put on board. He had discovered before he left office that there was a deterioration in the lower masts, owing to their being exposed, and he had mast-houses erected for the purpose of masting and unmasting vessels. There was one point to which he felt bound to allude, and he did it in no angry spirit—he made it in passing, and it had reference to the case of a sudden armament being called for. It could not now take place, in case of a sudden emergency, supposing in the course of the next summer. The first men that were put on board were the marines. Supposing, then, they were to put in commission twelve sail-of-the-line and six frigates, 2,500 marines would be required. At this moment they had not more than 1,100, or 1,200 marines in England; and he must say, that if the noble Lord, the Secretary of State for Foreign Affairs, instead of trying to settle the affairs of Spain, by the attacking of windmills, and of determining the succession in Spain by 1,200 marines –if the noble Lord would recal the force that was in Spain, this country would be in a condition to supply twelve sail-of-the-line in commission and six frigates with marines. Now they could only put six sail in commission. The force that was now in Spain could make no impression there, and it was required here. He assured the noble Lord he did not make these observations in an angry spirit. He thought that the experiment in Spain had failed, and the security of this country would be greatly increased, if the 1,000 marines now in Spain were here, and ready to be put on board ship. But he came back to a matter of primary importance, and even the presence of the hon. Member for Kilkenny would not induce him to qualify his opinion; for with that hon. Member he had before now fought many a battle upon the estimates. That hon. Gentleman would, he was sure, feel horrified, when he said that it was his opinion that, upon different essential points, a larger expenditure, and of a permanent kind, was essentially necessary. It was upon these points he was anxious to carry the committee along with him. So far was he from being hostile to the present Government, that he said of whomsoever the Administration was composed, they should always take care of that which was indispensable for the safety of the country, and that that ought always to be a point of paramount consideration. He had often told the hon. Member for Kilkenny that ships, like men, were perishable—that ships ought to be renewed, and that there ought to be a regular annual supply of new ships. He held this to be indispensable. The gallant Admiral had referred to the class of ships designated "the forty thieves," and Lord Melville, conscious of the defect in this respect, had sought a remedy for it. He wished now to refer to Sir John Barrow's published table of the navy, and he desired to call the attention of the committee to the relative force of Great Britain, as contrasted with the naval force of France, Russia, and the United States. What was the state of the three countries as to their line-of-battle ships? England had twenty-one ships of the line, France had ten, Russia forty, and the United States two; that is, England had in commission twenty-one line-of-battle ships, against the fifty-two of these three Powers. Of frigates of fifty guns and upwards England had two, France ten, Russia four, and America six. Then as to ships in ordinary, England had fifty-seven sail of the line, France ten, Russia three, and America five; of frigates of fifty guns and upwards, England had seventeen, France fifteen, and America nine. Of ships of the line building, England had twelve, France twenty-nine, Russia seven, and America, according to the statement of Sir John Barrow, twenty-six. He was aware that upon this last item the Secretary of the Admiralty in the House demurred to the Secretary of the Admiralty out of doors, and maintained that the number of ships of the line building by America was smaller than that stated. He would now endeavour to explain the nature of this disagreement, in doing which he must say that he rather leaned to the statement out of doors. Although America had not twenty-six sail of the line actually building, she had the slips and frames laid down for that number, which were to be delivered in 1841; so that in the year 1842 at latest the American government would be able to complete that number of ships of the line; and he very much doubted whether the same could reasonably be expected as to our twelve sail of the line now in building. Now, taking the ships building and in ordinary together, it appeared that England had only sixty-nine, whilst France had thirty-nine, Russia ten, and America, at the end of the year 1841, would have thirty-one. Of frigates, England had nineteen, France thirty-two, and America twenty-seven. Of steamers of war England had five, France twenty-two, Russia eight, and America one; and, in ordinary and building, England had seven, France fifteen, and America none. He thought that these facts were worthy of the serious attention of the committee. He had given credit for the ships in ordinary being of a good sailable and serviceable description, although many of them were of a class described by the gallant Officer opposite as the "forty thieves," being built by contract during the war, and proved to be ships of a very inferior kind. The hon. and gallant Gentleman appeared to demur to this statement; but he (Sir J. Graham) could undertake to prove to the hon. and gallant Gentleman that what he said was correct. Every one knew that the duration and worthiness of ships were estimated upon similar principles, and with the same precision, as human lives; and that the assurances of the one and the other were effected upon like considerations. At Lloyd's, ships were assured in three classes, A. B. and C., to which they were respectively allotted, upon view of their age and their state of repair. Now, from his (Sir J. Graham's) recollection of the state of the ships in ordinary in 1834, combined with what he knew of the repairs which had since been done to them, he was enabled to form a pretty accurate opinion, though he did not think it prudent to state it, of what the value of our fifty-seven sail of the line, in ordinary, would be, tested by the rule of Lloyd's. But he would beg the gallant Officer to-morrow carefully to make inquiries on this subject; and if he was very much at ease upon this score to-night, he did not think he would be quite so well satisfied to-morrow, after he had gone into that investigation. He had the satisfaction of recollecting that during the four years that he was in the Admiralty he had launched seven new ships of the line. In 1831, the Calcutta of eighty-four guns, and the Thunderer of eighty-four guns; in 1832, the Neptune, 120 guns; and the Monarch eighty-four guns; in 1833, the Royal William, 120 guns, and the Waterloo, 120 guns; and in 1834, the Rodney, 92 guns. Besides these, when he left office, he left on the stocks, and nearly ready for launching, three ships of the line—the London, ninety-two, the Nile, ninety-two, and the Industry, eighty-four guns; and eight sail of the line laid down; three of the first class, namely, the Frederick, the Sovereign, and the Victoria; three of the second rate vessels—the Collingwood, the Goliah, and the Vanguard, which was the only vessel which had been launched during the last five years; and two of the third-rate—the Algiers and the Cumberland. Did he take credit to himself for what he had done? Not the least; on the contrary, it was due in a great measure to the arrangements of the noble Lord whom he succeeded in office. When he came into the Admiralty he found these vessels in a very advanced state towards launching, and he had only acted upon the principle adopted by Lord Melville of launching a certain number of ships every year, and unless this principle were still acted upon, he very much feared, that our fleet would dwindle away every year, and at last require a great effort to restore it at all; when, if time should press upon us, national dissatisfaction must ensue, and national disgrace probably follow. With the advice and concurrence of Sir Thomas Hardy and Admiral Dundas, the number of vessels which he proposed launching was three new vessels of the line, and three new frigates, with three old ships, worth the trouble and expense, which were every year to be repaired. Lord Auckland had also adopted a similar view of the subject, and with his late Majesty it was a constant subject of interest and inquiry. Whilst in office he had had the honour of laying before his Majesty the above scheme as a fixed principle of action, and he had every reason to believe it had been adopted by Lord Auckland. in this manner of proceeding it would take fourteen years to renew our line-of-battle ships, taking the number at eighty-four. A less force than this he did not think it would be safe to be restricted to. There was nothing magical about the number three; but what he meant to say was, that a certain number of new vessels, upon a fixed and determined calculation of durability, should be launched, and a certain number of old ships repaired. Now, that the present Board of Admiralty had not acted upon this principle, he did not think was entirely attributable to themselves; there were circumstances which, in his mind, accounted to a great extent for their not so doing. The Board of Admiralty had within the last two years taken upon itself the packet service, and in obedience to the urgent demand of the public for more expeditious modes of conveyance, the ten-gun brigs, used as sailing packets, had been condemned, and new vessels substituted in their stead. Coincident with these circumstances, there were political reasons why the number of ships in commission could not be increased, and the consequence was, that a decay of lower masts took place in the ships in ordinary, for which the Admiralty was not to be held responsible. He thought, however, that with a very moderate increase of hands in the dock-yards, the increased work thrown upon them by reason of the necessities of the packets department, might be disposed of, conjointly with what was required for the naval defence of the country. It was estimated, that it took 120 shipwrights to build a ship in a twelvemonth; so if 500 hands were added, this, at the rate of 5*s.* a-day, would amount to 225*l.* a-week, or 65,000*l.* a-year. As to materials, the average being double of the wages, the sum would be 130,000*l.* a-year, making a total of 195,000*l.*, which sum he (Sir J. Graham) really thought would be the full amount required satisfactorily to dispose of the question between safety and danger, by accomplishing the complete efficiency of the service. He really believed, that if her Majesty's Government were to propose this increase in the estimates, they would meet with the general support and concurrence of the House. Let them reduce the matter in dispute within those narrow bounds, and instead of indulging in crimination and recrimination, and invidious comparisons between Tory Governments and Whig Governments, let them put the case in a right point of view before the world, and show that they were all united in the determination to do all that the case required. He was sure that if the House were satisfied, that this increase was required for the efficiency of the public service, the hon. Member for Kikenny might perhaps be found to object to it; but he was confident the House generally would be found to concur in all which proper prudence dictated. It was with sorrow deeper than he could express, that he had seen it lately stated at a public meeting at Birmingham, and stated amidst the plaudits of the auditory, that Burke was a "political scoundrel." He, on the other hand, considered him to be one of the first political philosophers; and Burke had said, that "there was a sort of bastard economy which produced inexpressible injury to the public service; and, that in naval matters the estimates for the year were never to be taken as the real standard of expenditure." He begged the committee to consider these matters, which, in defiance of the taunts which had been thrown out against him in various quarters, he had thought it right to lay before them, and happy should he be if any thing which he had stated should have the effect of persuading the committee to agree with him in a matter which he could not but consider to be of the greatest public importance.

Sir *Edward Codrington* rose under a great disadvantage after the right hon. Baronet, but he hoped the House would allow him to make a few observations. He agreed with the right hon. Baronet in the principles he had laid down with respect to demonstration-ships. Whatever might be the strength of the fleet in commission it became the country to have a certain number of ships ready in case of emergency. Without that additional naval force, in no period of history had we been able to carry our intentions into execution. There ought to be ships always ready to be brought forward at a moment's notice. The only difference of opinion was, as to whether this should be brought forward that way, or in another. It had been found that those demonstration-ships were not in a state of readiness as they would have been if the stores had been prepared in the dock-yard. He had known many instances where ships had been supposed to be ready, where the rigging had been supposed to be in good order, but when they came to be examined it was found the rigging would not bear the strain of sea service, and, in short, it was found there was more to undo than there was to do. It might be easy to get stores upon an emergency, but it was not so easy to get men. The obtaining of stores was of secondary importance. He knew it took a great deal of time to make a real seaman. He was sorry that the House did not seem to be aware of the real value of good seamen. There was no class of men under the sun who were worse treated than British seamen. Seamen were not paid at their value, and this led into a point that had been gently touched upon, viz., the subject of impressment. He was ready to admit the right of impressment, but then when they had done with the men they ought to give them the best rewards they could. When an increase in the army was wanted, they coaxed and wheedled a man, and induced him to become a volunteer; but how did they act with respect to the navy? Why if they saw a man was worth his weight in gold they stole him. He knew he had been reproached by many naval officers for giving an opinion against impressment, but he did not deny the propriety of the practice when it was absolutely necessary. At one time a ship he commanded was paid off, and he was waited upon by one of the best men he had had under his command. The man asked him if it was true that he was going to retire for a time, and being answered in the affirmative, he said he did not want to be made a warrant officer—he wanted him (Sir E. Codrington) to procure his discharge, because his father, a waterman in London, was eighty years of age, and his mother seventy-eight, and he wanted to procure his discharge, in order that he might work as a waterman, and that he might be enabled to do something for them. That man was a pressed man—he never received the bounty—he preserved to himself the right to desert—he received no bounty—he refused it, but he went further, and said he was ready to pay eighty guineas for two substitutes. He had that excuse for deserting, but he did not; he served under him for nine years with a good character, and had served as long before with a good character; and yet he had no encouragement to remain in the navy. That was not proper encouragement for such an important service. He spoke of only the case of one man, with which he was well acquainted; there might be hundreds more. He objected to impressment as the usual mode of filling up the ranks in the navy, not to use in a great emergency. Was it right that a man who was impressed should be liable to all the caprices of any officer who might choose to act the part of a despot? His opinion was, that if the country was unfortunately obliged to go to war, she was also bound to go to the expense of getting and keeping good men. He had not had a very short experience on board ship, and the result of that experience was, that he would much rather go to sea with a good, well-disciplined, and contented ship's complement in not so good a ship, as go to sea in one of these fine ships only half manned, and those discontented. He spoke only in his character of an officer in the service, and one who had seen some little service, and not from any party feeling. The men serving in the navy were not party men—they served without any party feeling—the moment they got afloat they had only an anxiety to do their duty—he had scarcely ever seen an instance in which an officer had carried party feelings into the naval service. There certainly had been a party attack, and therefore he had not interrupted the right hon. Baronet (Sir J. Graham) in what he considered a party speech. The question, however, was not a party one, and ought not to be discussed upon such grounds. He was old enough to remember three armaments—the Dutch, the Spanish, and the Russian armaments, when thirty-six sail of the line were moored at Spithead in a very short time. He fully believed that the best means of preventing a war was the exhibition of a strong naval force. There was a want, in his opinion, upon the part of every Administration he had ever seen with respect to the navy. The pensions of the men had been most ignorantly tampered with and reduced. One instance he would mention to the House, in order to show that there was great injustice done to the navy. When he arrived from the Mediterranean he went to the Admiralty and represented the case of a man who had received eight wounds, one of them a very bad one, being caused by splinters, from which he lost the use of one eye. The Admiralty asked what had become of the man. He answered that he had been made a signal-man, and made to use the other eye. Oh, then, said the Admiralty, they could do nothing for him, as he was not disabled—his case did not, therefore, come under their consideration. The man was again in action, and the other eye damaged. He (Sir E. Codrington, represented his case to the commissioners, and the man had been allotted 6*d.* a day. When he made the report his word was doubted; for, said they, such things are not done in the army. "No," said he, "that was what he complained of, it was always so in the navy." He wrote to a surgeon on the subject, who in answer stated that the man's eye was uninjured until a musket ball had passed over it, which had caused cataract. Why, he would ask, should doubt have been thrown upon a matter of that sort? Because, supposing cataract had not come from the wound, there was a man who had done his duty in battle, who had been cut to pieces and disabled from providing for himself, and he received the paltry pittance of 6*d.* a-day. Was that, he would ask any encouragement for a man to join the Navy? He would now mention a case, which he trusted would be put to rights by the present Commissioners; he believed it was the wish of the Government to do all they could for the good of the Navy. He would mention the case of a man being wounded—a Midshipman; if he was wounded and granted a pension, upon promotion he lost that pension.—These things wanted alteration. He had no doubt the Admiralty had a desire to look into the matters that had been complained of, but then they should look into them properly. They should come forward boldly to the House, and say that they had a demand which the House must grant. Talk of economy—economy was not to be considered where justice was on the way. The reason the Navy of England was in the state it was at present was because a superior class of men were not encouraged. He could not close the observations he had made without referring to another branch of the service—the shipwrights. Great injustice had been done to them. Whenever a man entered into that yard, whatever value he was of at that time ought to be kept up; but what was the case? Why, when a man went into the Dock-yard, instead of carrying his servitude with him, he was only considered entitled to a pension for the service he had performed there. Why, he would ask, was not his previous services to be taken into consideration? When a man had served twenty-one years he was entitled to a pension, and why was not that to be taken into consideration when he went into the Dock-yard? That was what he complained of, he did not complain of people having too much, but he did complain of those who had served their country not being put upon the same footing as those who did not go through half the danger. Many of these things being heavy upon his mind, there was one case that was before him of a distinguished officer who had been sent out on a survey, Captain Fitzroy; that gallant individual had found himself totally unable to accomplish the object he was sent upon without an expenditure from his own small property of nearly 7,000*l.*; did it not, therefore become the country to pay him for what he had done. If he had spent the money improperly, give him only one half of it back—if he had spent it properly, let him have the whole. He had been in Parliament now for near seven years, and it was painful for him to think during that time how little attention had been paid to the Naval Service. Let Parliament take the subject seriously into consideration at once, and do not let them wait till young officers wrote pamphlets calling their attention to the subject. He knew that these things were not agreeable to men in office. He cared not for Whig or Tory, when he was speaking of the Navy, because he looked upon the Navy as the brightest jewel in the Crown of their young Queen—and he felt convinced that there was not a seaman in the country who was not ready to give up his life in protecting that bright jewel. He hoped the House would look with great strictness into the present estimates, in order to effect the better condition of the Navy. He could not conclude without mentioning to the House a circumstance that took place between the Emperor of Russia and a naval officer of this country. On one occasion, when the Emperor and the officer were together, the top sail of a ship was shifted in fifteen minutes, one of the most difficult feats of a seaman. He doubted very much whether that could be done now, considering the state of the Navy at the present time. The great difficulty was in procuring real skilful seamen, and good experienced workmen in the Dock-yards—both which points were under the present system rendered very difficult of attainment, by the bad encouragement which was held out to sailors and to workmen.

Lord *Ashley,* at that late hour would not detain the House at any length, but he felt it his duty to make a few remarks in reply to what had fallen from the hon. Gentleman, the Secretary to the Admiralty, the other night. He understood, that the hon. Gentleman had regretted his absence, had he been aware that the hon. Gentleman intended to make any remarks upon him that night he certainly should have been in his place. He saw the hon. Gentleman in the lobby some time previously, and as the hon. Gentleman gave him no reason to suppose, that any remarks would be made that night he went away. The hon. Gentleman, however, was in error in that part of his statement which referred to the Government of 1835, and he (Lord Ashley) was not a little astonished when he learned that, after an interval of four years, he was called on to defend estimates which at the time he moved them, were received without objection, though the hon. Gentlemen who preceded them, and were opposed to them in that House were present and heard the proposition which he made. He recollected perfectly well, that his right hon. Friend, the Member for Taunton, had not disapproved of those estimates. It was true, that the Government of 1835 called for a dimished vote by 232,000*l.*, although in point of fact the vote which they took was less by 282,000*l.* than the vote of the previous year. He took no credit to himself for this reduction, but the very reverse, for he gave all the credit that was due to the Government that preceded them, and said, that had they remained in office they would have done precisely the same. What he insisted on was simply this—that whereas it had been put abroad industriously, that the Tory Government, for the sake of popularity, would increase the estimates, he thought it fair to show that such a representation was false; that greater expenditure was not a necessary result of a Tory Administration; and with this view he said, that instead of being increased, the estimates were, as he shewed, less than those of the preceding year. He took no credit for what had been done, but, on the contrary, declared that the former Government would have just done the same had they continued in office. When, therefore, the hon. Gentleman left it to be implied, that this reduction was made for the purpose of acquiring a little popularity at the risk of impairing the navy, he did so in total forgetfulness not only of the statement which he made at the time, but of the answer which he gave to his right hon. Friend, the Member for Taunton, in still more emphatic language, on a subsequent night. It was true, that the estimates were reduced to the extent of 2,000 men, but, on the other hand, they added 1,000 boys, the numerical whole was thus reduced by 1,000, but the expence by 1,500, as 1,000 boys were estimated in wages as 500 men. But, why was it that these 2,000 men were reduced?

When they came into office, ships had been ordered home by the preceding Board, which had 2,000 men on board, and these men were to be paid off on their arrival. No record was left on the part of the former Government at the Admiralty of their intention to re-employ those men, and, therefore, how could the then Government do otherwise than pay off these men? They had taken their seats at the Admiralty Board late in December, and after the bustle of the elections; and how was it possible to go into all the multifarious details of these estimates? In February the estimates were laid on the Table of the House, and he would put it to hon. Members whether, in the course of so short a period, they could have entered into all the considerations connected with so complicated and difficult a subject? They had no time to look into reports, or examine the position of foreign affairs; and therefore it was impossible that they could undertake to say, that those 2,000 men ought not to be paid off, especially as any other course would have rendered them responsible for saying, that the preceding Government were wrong. But if the estimates were improper, why had they not been opposed at the time? No such opposition had been given, and, on turning to the speech of his right hon. Friend, the Member for Taunton, he found him concurring in the estimates. What did his right hon. Friend say on that occasion? Why, he said, "that the amount of men resulted from the political position of our foreign relations, and that the present state of foreign affairs rendered the vote specified in the estimate quite sufficient." He went on to say, that it could not be expected that a Government who had been in office only five or six weeks could alter the estimates which they found ready to their hand, and therefore said, that he for one concurred in the reduction. On proposing the estimates, he had stated to the House how far the Government, with which he was connected were responsible for them. He said that they found the estimates three-fourths prepared when they went to the Board, and that it would have been rank madness on their part if they had by remodelling them taken upon them to declare that their predecessors had been in error. Without experience how could they undertake to say whether the reduction was proper or not? It was impossible, after the lapse of four years, that he could recollect all that had taken place; but this he would say, that had they adopted any other course they would have left themselves open to an attack of a very different character from that which the hon. Gentleman had made on them. As hon. Gentlemen must know, the estimates were prepared by the heads of departments; and they had not abated one iota in the estimates which had been offered to them by those whose duty it was to make them up. They took the estimates submitted to them precisely as the preceding Government, had they remained in office, would have done, and submitted them to the House. Now, when such were the facts, was it possible not to feel surprise at the statement which had been made by the hon. Gentleman, the Secretary for the Admiralty, on a previous evening? In regard to the amount of stores in 1835, what were the words of the hon. Gentleman? The hon. Gentleman said, "The lowest vote for stores the right hon. Baronet ever took had been reduced by the Tory Government 82,000*l.*; in short, the lowest vote ever taken for stores had been taken by the Government of the right hon. Baronet, the Member for Tamworth. These most inadequate means were called for in 1835." He had retained some papers, and now let them see what the actual facts of the case were. The vote for naval stores in 1834 was 499,190*l.*, and the vote he took in 1835 was 421,958*l.* That was certainly a reduction. But why was it? His hon. Friend would perfectly understand him when he used the expression "full establishment." By an order of the Admiralty, a certain amount was fixed on for the whole establishment, and a special establishment for each store. In the year preceding, that in which he was in office, the sum wanted to complete what was called the full establishment was 583,360*l.*; the sum inserted in the estimates was 450,090*l.*; therefore, it was 133,270*l.* less than the sum required to complete the whole establishment. The sum wanted in the next year was for the full establishment, 428,550*l.*, and the sum inserted in the estimates was 363,130*l.* What was the result? In the sum of money then taken for stores, they only had a deficiency of 65,420*l.* to make up the amount of the full establishment. But as in the estimates of the preceding year 133,270*l.* would have been necessary to make up the full establishment of stores, and as in the year of the Administration to which he belonged, the deficiency in the estimates was only 65,420*l.*, it showed that they had bettered the dockyard stores to the amount of 67,850*l.* They left the stores that sum better than they found them. The amount of stores in timber was eight per cent. beyond the full establishment; the cordage was fifty-three per cent. beyond it: hemp was on the scale of the full establishment; and spar was 133 per cent. beyond it. The average annual expenditure of stores gave the following results:—The amount of the stores was—Timber, 8 per cent. beyond the full establishment; cordage 53 per cent. beyond the full establishment; hemp, on the scale of the full establishment; spars, 133 per cent. beyond the establishment. The average annual expenditure of stores, gave the following results: Timber had decreased in five years from 42 per cent. to 17 per cent.; cordage decreased in five years from 34 to 28 per cent.; spars decreased from 12 to 4 per cent.; canvas from 61 to 50 per cent., and they had likewise a large supply of ready-made sails. The estimates which he had brought forward were estimates which had been furnished by the officers in the various departments, and they felt bound to adopt them in the first instance as the most to be relied upon, having been furnished by persons best acquainted with the amount of the supplies necessary. The only change they made was in the steam-engines for vessels which was increased by the administration to which he belonged, from 40,000*l.* to 50,000*l.* The hon. Gentleman in speaking of the estimate of coals as 16,000*l.* for one year and 15,000*l.* for another year, should not have argued that there had been an insufficient supply in the year in which the estimate was smallest. In fact the quantity of coals in both estimates was the same 20,000 tons. The realca use of difference was a difference in the price of the coals. During the time of their predecessors, coals were 15*s.* 5*d.*, and during their period of administration they were only 15*s.* Would the hon. Gentleman be able to show that there had been any deficiency in the supply of coals? for without that there would be no use in the argument. Did he mean to say that the stores were found deficient? If he did not, where, then, was the force of his observations? If he did not say that, his argument went for nothing. He believed it could not be denied that the stores of coals had been found adequate for their purposes. They had taken generally the estimates of their predecessors. and they could not have done otherwise, as they felt it best to adopt the estimates of the several officers, who were supposed to be the best judges of the amount of expenditure which was necessary. What other course could they have adopted? Could they have said "We shall not rely upon the results of your experience; we shall increase the amount of expenditure over what you tell us is necessary?" They could not have done that, and the hon. Secretary for the Admiralty would admit that they had not left insufficient stores, and that the comparison between their predecessors and them was in their favour.

Mr. *Henry Berkeley* would not detain the House for a moment. He wished only to reply to an expression which last night fell from the gallant Admiral, the first naval Lord of the Admiralty (Sir Charles Adam), an expression which, in justice to a near relative of his, he could not very well let pass. He understood (for he was not himself present at the moment) that the gallant Admiral, alluding to the publication of Captain Berkeley's pamphlet, said, that "Captain Berkeley had forgotten himself." Now, so far from thinking that his brother had forgotten himself, he (Mr. H. Berkeley) thought he had never better recollected what was due to himself and to the service to which he belonged. He would further say, that if the first naval Lord, and the noble civilian at the head of the Board of Admiralty equally recollected what was due to the service, they would not have put his brother to the trouble of pushing the measure which they had now carried. It was painful to him to recur to matters of a personal nature. He felt the other evening, that it was necessary for him to make an explanation touching his brother; but he should avoid as much as possible, if other Gentlemen would do the same, any recurrence to that subject for the future. In addition to this he would simply add, that to the principle advocated by his brother he still adhered; and, although he was perfectly prepared to offer no opposition to the vote now brought forward, yet at a future time he should take an opportunity of placing upon the books of the House a motion to the effect, that there should be but one standing complement for the ships of her Majesty's navy.

Sir *C. Adam* said, he should be sorry if the expression he had used, of Captain Berkeley having forgotten himself, should be taken as a personal offence, because he begged to remind the hon. and gallant Gentleman and the House, if that were necessary, that if any one man could have expressed himself in more handsome terms than another respecting Captain Berkeley, he was that man. He had said, that he valued Captain Berkeley as a man, an officer, and a gentleman.

Viscount *Ingestrie* said, the hon. Gentleman, the Secretary to the Admiralty, the other night made a most luminous and perspicuous statement of the condition of the navy, but he began it with an assertion, that the Admiralty administration of the navy had been the subject of party attacks for the last six months. He regretted to say, that the hon. Gentleman seemed to wish to continue that party spirit in all the observations he made; for of his speech from beginning to end, he must say, that he never heard such antithesis of Tory and Whig in any speech he had listened to since he had had the honour of having a seat in Parliament. That was not a line of conduct which he would pursue; because he considered the navy of his country of paramount importance, and that all party feelings should be subordinate to that service. He was not disposed to quarrel with any particular party or Government; if he were to quarrel with any one, perhaps he should begin with her Majesty's cheeseparer-general, the hon. Member for Kilkenny. The hon. Member had long stood before the public as the advocate of retrenchment, and no doubt thought he was doing the State some service in the course he pursued; but the result was the best proof of that. The hon. Gentleman, the Secretary to the Admiralty, had told the House, that there was a much greater number of ships in commission than at any period since the peace. He admitted that. But the hon. Gentleman forgot to mention at the same time the state of our relations abroad, and our position in comparison with foreign nations. We had had a great colony in a state of revolt. The navy of France and of Russia had been increased; and the state of things generally was such as required our navy to be placed on a very different footing. The hon. Gentleman had alluded to a pamphlet which had been published by "A Flag Officer." He did not profess to be acquainted with that "Flag officer," but he could not see why it should not be right, that an officer should give vent to his feelings and opinions, intending thereby, as it was fair to suppose, to promote the good of his country. In looking over some returns which were laid upon the table of the House a short time ago, he found, that as the number of the ships progressively increased, so the number of the men at home progressively decreased. He would mention a few years:—

		Number of men at home.
In 1823 the number of seamen and Marines voted was	25,000	8,000
In 1828	30,000	9,639
In 1833	27,000	9,303
In 1834	27,000	2,865
In 1835	25,500	2,539

The last year in the list was that which had been the subject of attack, having been the year in which his right hon. Friend (Lord Ashley) was of the Administration.

		Number of men at home.
In 1836 the number of seamen and Marines voted was	32,700	5,467
In 1838	33,000	5,254

In 1837 there was a small increase in both numbers. Of the 5,254 men at home there were 2,665 for the ordinary and packet service; and, substracting the numbers applied to other services, the remnant left was 861. The year 1792 was frequently referred to by way of illustrating this question. In that year we had 14,000 men and eleven guardships ready to proceed to sea. In 1835 we had 31,500 men and only three guardships, and only one ship about to be launched. As to the distribution of ships in commission, we had ten sail-of-the-line in the Mediterranean, one at Lisbon, two in the West Indies, two in the East Indies and Cadiz, three at home, and three disposable ships; making up twenty-one altogether. He was at a loss to conceive what had become of the nine disposable ships of which they had heard so much. He was very much disposed to think that they were made of pasteboard, as the Russian ships were said to be. He, however, did not think so lightly of the Russian ships. But he should like to know where those nine disposable ships were? Where were they when that business took place the other day at Vera Cruz, when our flag was insulted in a most unwarrantable manner? Why were they not there? Why was the English flag left unprotected, except by a packet, or perhaps by a brig, hardly within signal distance? He should like to have a good, rightdown, straight forward, answer to that question. With respect to the manning of ships, which was a point on which naval officers were perhaps better able to talk than on political questions, he was one of those who thought that every ship going to sea should be ready to go into action the very next moment she got out of harbour, should she meet an enemy. Every ship ought to have her guns properly manned. About two years ago he was in command of one of those delightful ships called "jackass frigates." They were supposed to be the best manned ships in the service; the complement was 160 men, but owing to an order made by Lord Auckland, he believed, that complement was materially changed in character. The 160 men included every creature on board; and, after allowing for midshipmen, schoolmasters, and others, all the hands he had for a watch was thirty-five or thirty-six. He would ask any officer if that was a sufficient number of able seamen to manage a ship of 600 tons, knocking about at sea, and taking into consideration the chances of sickness and accidents? As so much had been said respecting a gallant Officer who had vacated his seat at the Admiralty, he could not refrain from saying that he most cordially concurred in all his observations. He wished to refer to a few things that were felt to be grievances in the navy, and which he was sure, if the House understood them properly, it would be disposed to redress. He begged to refer to the question of pensions for petty officers serving in small ships, where they had more work, more wet, and more hardships to go through, than on board large ships. He understood that the pay of the seamen was to be made equal to the pay of those in large vessels. [Mr. *C. Wood*, not equal to the largest vessels.] He thought they ought all to be equally paid; a man did more work on board a small ship than a large one. The officers of other services were allowed their stationery and table money, besides having a great increase of pay. Let the House look at the scale of the pay of other nations. He had selected the pay of a Capitaine de Vaisseau of seven years standing in the French service, commanding a frigate of twenty-four guns, because that was a class of officers nearest to his own standing in the British service, and because he was an officer commanding something like a jackass frigate, such as he had already mentioned. A captain of that class in the French service had personal pay of 240*l.* and 1*l.* per diem table money at home, and 1*l.* 10*s.* per diem table-money abroad, making his pay 605*l.* per annum at home, and 785*l.* abroad. In the American service a Captain would have 732*l.* full-pay, and 500*l.* half-pay, while in England his full-pay was 390*l.*, and his half-pay 190*l.* Again the captain of a frigate in the French service below twenty-four guns or equal to a commander in the British service had personal pay, 170*l.*, with 10*s.* a-day table money at home, and 24*s.* abroad, being a total of 462*l.* at home, and 508*l.* abroad. The American officer of that class had 500*l.* full-pay, and 380*l.* half-pay, but the British officer of similar rank, had only 300*l.* full pay, and 155*l.* half-pay. In all other services the midshipmen had good pay and tolerably decent half-pay, but in the English navy the midshipmen had, as the saying was, three farthings a year paid quarterly, in fact they had no half pay In short, in other services all ranks of officers were allowed table money, but in the British service, if an officer on a foreign station entertained in a manner to do credit to the nation he served, he was put to very considerable personal expense; and if he was a man with a family, he could not go to sea without being subject to great pecuniary loss. He would not allude to the state of the stores in the dockyards, because that was not a matter within his province, but he would advert to the number of hands employed in the dockyards, and he must say there was no strength sufficient for the ships in ordinary, all hands being engrossed in working ships in preparation for commission. The present state of the artificers in the yards was a subject well worthy the attentive consideration of the Admiralty. Those men conceived, that their interests were not properly taken care of. They complained of the want of the superannuation allowances, and still more of the manner in which they were classed, from which great discontent had been created. He could not sit down without alluding also to the subject of naval architecture, and he must ask the hon. and gallant officer opposite (Sir C, Adam) when the returns he had moved for on this subject in June last would be laid on the table? Those returns he thought, might have been drawn up in two weeks, instead of taking eight months in their preparation. But with regard to naval architecture, he thought that was a subject which ought to be taken into their serious consideration. He believed, that the experiments on that head were going on in a spirit of partisanship, and upon false data. The House would be astonished to know the amount of money expended on ships built and now building by Captain Symonds. 1,500,000*l.* had been expended or would be expended before all those vessels would be fit for sea, and that too merely for an experiment, which in many instances had not succeeded.

Sir *C. Adam* must beg to deny that fact; look at the Gorgon for instance.

Viscount *Ingestrie* resumed. Why, the Gorgon had been obliged to be again caulked, and he thought he could safely contradict the hon. and gallant Admiral, and say, that the Gorgon was the worst ship that ever swam. There were many other minor points to which at that hour he would not allude. He must, however, mention that 15 per cent. was charged on slops furnished to the men by Government; that ought not to be. Plain tobacco was charged to the men at 1*s.* 7*d.* per pound, whereas it cost the Government not more than 6*d.* In conclusion, he would only repeat his wish to see the officers and men of the British Navy placed on the same footing as those of other nations.

Sir *C. Adam* owed the noble Lord some apology for the returns to which he had alluded not being now on the Table, but he could assure the noble Lord, when he had come to look at them, he had found they required a great deal of preparation, and that it was necessary to send abroad for some of them which were required. He would, however, lay them on the Table to-morrow. With regard to the Gorgon, the noble Lord was entirely mistaken, for Lord John Hay had reported her to surpass any war steamer that was ever launched.

Captain *Gordon* said, that there were so many hon. Members who wished to deliver their sentiments on this important subject, that he felt called upon to move, that the Chairman do now report progress and ask leave to sit again.

Mr. *C. Wood* was anxious to answer many of the observations which had been made in the course of the debate, but as every vote in the estimates had been discussed, he hoped to be allowed to take the first vote now—that as to the number of men—and then that any hon. Member should state his views to the House on another vote being proposed, on a subsequent day.

Captain *Gordon* objected to that course, for if the vote of the number of men was taken, there would be an end of the debate. He must, therefore, persist in his motion.

Mr. *Hume* wished to say one word. A gallant officer had applied to him (Mr. Hume) the epithet that he was a skin-flint, and the cheese-parer to her Majesty. He begged to say, that he would rather have that epithet applied to him, than that he should deserve the name of a skinback, which was applied to many in the sea service.

Viscount *Ingestrie*, in explanation, said he concluded the hon. Member alluded to what had fallen from him (Lord Ingestrie,) and he begged to state that he had no wish to say anything personally offensive to the hon. Member. He had not alluded to the hon. Member in private life, but only to the course pursued by the hon. Member in that House.

The House resumed, Committee to sit again.

CALEDONIAN CANAL.] Mr. Robert Steuart moved, that a Select Committee be appointed, with a view to consider and report to this House what steps are advisable to be taken with respect to the present state of the Caledonian Canal.

Mr. *Hume* was of opinion, that this was devolving upon a Committee of the House a duty which ought to be discharged by her Majesty's Ministers.

The *Chancellor of the Exchequer* thought, that if the Government had come down to the House for a vote, with a view to carry into effect the recommendations contained in Mr. Walker's report respecting the Caledonian Canal, the hon Member for Kilkenny would have been the first to have suggested that before a work of that extraordinary nature, and before the recommendations of what might be called an extraordinary report, were adopted, the entire subject ought to be referred to a committee of the House, in order that inquiry might be made. The House, should remember, that this work was a matter for which the present Government were not responsible. They were not the originators of the Caledonian Canal. But as it was well known that not only the preservation of the work but also the ruin or safety of a vast tract of country might depend upon the course taken by the Government, it was absolutely necessary that some definite steps should be adopted; and he thought no better course could be pursued than that of first obtaining the opinion of a select committee of the House of Commons.

Sir *R. Peel* thought the objection of the hon. Member for Kilkenny a perfectly just one. The proposal was not (according to the terms of the notice) that a Select Committee should be appointed to consider the state of the Caledonian Canal, and to make such observations upon it as they might think proper, which would have been the correct mode of wording the motion; but it was "to refer the report of Mr. Walker on the state of the Caledonian Canal, and the annual report of the Commissioners of the Canal to a Select Committee." Now, he had never seen such a motion as this. There was no definition of what the functions of the Committee were, or what they were to do. If they were required to receive evidence on the state of the Caledonian Canal, and then have referred to them the reports of Mr. Walker and the Commissioners, then he should not have the least objection to the appointment of the Committee.

Mr. *R. Steuart* admitted, that the notice of motion was as the right hon. Baronet had stated; but the words of his motion were precisely those which he had suggested. By a subsequent motion he intended to refer the report to the Committee.

Motion agreed to, and Committee appointed.

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